

**Excerpts**  
**from the deposition of**  
**Plaintiff Leroy Williams**  
**February 21, 2007**

LEROY WILLIAMS -- 02/21/2007

1                   IN THE UNITED STATES DISTRICT COURT FOR  
2                   THE MIDDLE DISTRICT OF ALABAMA  
3                   NORTHERN DIVISION

4                   LEROY WILLIAMS,

5                                 Plaintiff,

6                   Vs.

CIVIL ACTION NO.

2:06-CV-658-ID

7                   STATE OF ALABAMA DEPARTMENT  
8                   OF TRANSPORTATION and JOE  
9                   McINNES, in his official  
10                  capacity as Director of the  
11                  State of Alabama Department  
12                  of Transportation,

13                                 Defendants.

14                                 \*       \*       \*       \*       \*

15                   **DEPOSITION OF LEROY WILLIAMS,**

16                   taken pursuant to notice and stipulation  
17                   on behalf of the Defendant, in the offices  
18                   of Wiggins, Childs, Quinn & Pantazis, 301  
19                   Nineteenth Street North, Birmingham,  
20                   Alabama, before Nicole Paulk, Certified  
21                   Shorthand Reporter and Notary Public in  
22                   and for the State of Alabama at Large, on  
23                   February 21, 2007, commencing at 10:16  
                 a.m.

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1 APPEARANCES

2  
3 FOR THE PLAINTIFF:

4 **Russell W. Adams, Esquire**

5 Wiggins, Childs, Quinn &

6 Pantazis, PC

7 301 Nineteenth Street North

8 Birmingham, Alabama 35203

9  
10 FOR THE DEFENDANTS:

11 **Andrew W. Redd, Esquire**

12 Assistant Attorney General

13 Assistant Counsel

14 State of Alabama Department of

15 Transportation

16 1409 Coliseum Boulevard

17 Montgomery, Alabama 36110

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1 Q. Are there any other grievances that you've  
2 filed subsequent to the filing of that  
3 particular grievance?

4 A. There are other ones in that -- in that --

5 Q. Is there another grievance that was filed  
6 after that one that you can show me today?  
7 Because I only found two in your files,  
8 and you've seen both of those, Exhibits 2  
9 and 3. I just want to know if there's  
10 another grievance in there that I'm not  
11 aware of that I haven't found, because I  
12 only know of two. And I haven't looked  
13 through all of those in depth.

14 A. You haven't?

15 Q. Haven't had time. That's an EEOC filing.  
16 I'm talking about an internal grievance  
17 with the Department of Transportation.  
18 I'm aware of the EEOC file. I want to  
19 know if you filed an internal grievance  
20 besides the two I've given you.

21 A. I filed a grievance and gave it to  
22 Mr. Green.

23 Q. When?



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1 A. Prior to the accident, this last --

2 Q. Prior to when?

3 A. The accident. My promotion to TT.

4 Q. Besides those two that you have in front

5 of you, are you saying that you filed

6 another complaint form, internal

7 grievance, with the Department of

8 Transportation?

9 A. Yes.

10 Q. And do you know when that was?

11 A. I don't know the dates.

12 Q. Do you have a copy of them?

13 A. Not in front of me right now.

14 Q. Did you keep a copy of it?

15 A. I'm quite sure I did.

16 Q. Where is the copy located?

17 A. Right now I don't know.

18 Q. Did you personally keep a copy for

19 yourself?

20 A. It could be I did, but I'm not sure where

21 it is.

22 Q. Well, do you know what became of that

23 particular grievance?

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1 A. No, I do not.

2 Q. A minute ago you told me you had given  
3 your lawyer everything you had; now we  
4 have a grievance you have not furnished  
5 that is subsequent to the only two  
6 grievances that are in your file now, so  
7 I'm just curious as to where that  
8 grievance went to.

9 A. I don't know, sir. I have to research and  
10 see where it is.

11 Q. Well, would you do that and make sure your  
12 lawyer gives me a copy of that particular  
13 grievance?

14 A. I sure will.

15 Q. What was the nature of that grievance?

16 MR. ADAMS: Let the record  
17 reflect the Department of  
18 Transportation is the  
19 custodian of records for all  
20 grievances filed by members  
21 of the Reynolds class.

22 MR. REDD: And let the record  
23 reflect a search of the

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1 records has not revealed the  
2 grievance that Mr. Williams  
3 is referring to.

4 Q. What was the nature of the grievance, this  
5 last grievance that you've disclosed to  
6 me?

7 A. Discrimination.

8 Q. That's a broad subject. Would you be more  
9 specific as to what you mean by  
10 discrimination by specifying who  
11 discriminated against you and how they  
12 discriminated against you and when they  
13 discriminated against you?

14 A. Well, most of the paperwork would be in  
15 here, but the discrimination act would be  
16 I was denied trainings; I wasn't given  
17 adequate time to perform my duties, to  
18 learn my duties, when there were other  
19 employees, white employees that gained the  
20 title TT, was given adequate time and  
21 trainings to do their duties and to have  
22 success in that position.

23 Q. And who was not giving you adequate time

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1 to get training or perform your duties?

2 Is there a particular person that you

3 are...

4 A. I would say Mr. Thomas Lewis, Mr. Jones,  
5 and Mr. Adams.

6 Q. Okay. And all of this that you just told  
7 me and perhaps more was fully denoted on a  
8 form such as this one, a complaint form or  
9 a grievance form; is that what you're  
10 telling me as we sit here?

11 A. I handed it over to Mr. Green.

12 Q. Okay. And you don't recall when that  
13 happened?

14 A. Not the exact dates.

15 Q. What about the month? Have any idea what  
16 month that was?

17 A. Not right now, I do not.

18 Q. Did you personally place that in  
19 Mr. Green's hand?

20 A. Yes.

21 Q. In Mr. Green's office?

22 A. Yes.

23 Q. What did Mr. Green say to you when you

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1 marked for identification  
2 as Defendants' Exhibit No.  
3 5.)

4 A. Oh, okay.

5 Q. Is that correct? I mean, is that --

6 A. The classification is transportation  
7 technologist.

8 Q. And the working title, I mean, what you're  
9 basically called is field supervisor?

10 A. That one I had was, and several others.

11 Q. Okay. So you could be a transportation  
12 technologist and not be a field supervisor  
13 then?

14 A. That's correct.

15 Q. Okay. Now, this document appears to give  
16 a description of your duties, what the job  
17 is, things of that nature, does it not?

18 A. Yes.

19 Q. And it appears that you reviewed this and  
20 signed it on May 25th of '05, by looking  
21 at the last page of that document; is that  
22 correct?

23 A. Let me look at it here. Okay. Yes.

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1 Q. Okay. So you were aware of your job  
2 responsibilities, what they wanted you to  
3 do on a daily basis and what the nature of  
4 your job was?

5 A. Yes.

6 Q. At least by May 25th, correct?

7 A. On the job title?

8 Q. Yes.

9 A. Yes.

10 Q. And what your duties were?

11 A. What, I knew what my duties were?

12 Q. Yes, as described on this form that you  
13 signed?

14 A. Well, at the time, I was -- I read over  
15 them, but -- and am aware, but I didn't  
16 get a chance to go through all those  
17 duties.

18 Q. Okay. But at the bottom, you said, I  
19 certify I have read the above and verify  
20 that it is to the best of my knowledge  
21 correct and accurate. And you signed  
22 that, correct?

23 A. Yes, agreeing to those are the duties that

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1 transportation tech?

2 A. During the time I was a transportation  
3 tech, I was transferred to a different  
4 crew. Tommy was transferred to a  
5 different crew, so he supervised someone  
6 else.

7 Q. Okay. Did the work that your crew was  
8 performing after you became a tech, was  
9 that similar to work that you had  
10 previously performed when you were an EA?

11 A. Yes.

12 Q. Okay. And you've indicated I think  
13 briefly that you were good at your job as  
14 an EA, or you think you were good as --  
15 did a good job as an EA?

16 A. To the best of my knowledge, yes.

17 Q. Okay. Who was your -- immediately before  
18 you got promoted to tech, who was your  
19 supervisor?

20 A. Theresa Barksdale (phonetic).

21 Q. Is Theresa Barksdale black or white?

22 A. She's white.

23 Q. Did you have any problems with Theresa

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1 find any of them now.

2 MR. ADAMS: If you've got extra  
3 copies, I'd appreciate  
4 getting one.

5 MR. REDD: There you go.

6 Q. Paragraph 1, Page 2 on this particular  
7 exhibit. The third sentence you say, upon  
8 being promoted, I was not properly trained  
9 or given sufficient data and information  
10 as necessary to be successful on the job.  
11 Okay. I want you to tell me what training  
12 that you -- let's start with training.  
13 What training do you think that you should  
14 have received in order to be successful on  
15 the job?

16 A. In the software department, I should -- I  
17 say that I should have been trained in  
18 Terramodel.

19 Q. Okay. So you should have been trained on  
20 that. Is that a program or a device  
21 that's utilized in the work to input data?

22 A. It's a program that we utilize to input  
23 data and bring it to the -- inside the



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1 office.

2 Q. Okay. And had you had any training on or  
3 experience with Terramodel when you were  
4 working as an EA II/III?

5 A. I've had some self-training.

6 Q. Okay. As a data editor, did you -- were  
7 you required to or did you use Terramodel  
8 at all in the performance of that  
9 particular job?

10 A. Yes.

11 Q. Okay. So you had some knowledge of  
12 Terramodel before you ever came to TT?

13 A. No training, but I had some knowledge.

14 Q. Okay. A working knowledge?

15 A. I would say -- I was sat in front of a  
16 data editor's position and told, here it  
17 is; do it.

18 Q. Well, do you believe -- you said you were  
19 proficient in your job as an EA II/III.  
20 Were you proficient in the ability to use  
21 Terramodel as an EA II/III?

22 A. And that's why I had a complaint about the  
23 training.

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1 Q. No, answer my question first. Do you  
2 believe you were proficient in that as an  
3 EA II/III?

4 A. No.

5 Q. Okay. So you believe you should have been  
6 given training in the software in the use  
7 of Terramodel. Okay. That's one  
8 training. Is there any other training you  
9 think you should have received and did not  
10 receive as a TT?

11 A. Yes. Supervisional training.

12 Q. What, training on how to be a boss or  
13 supervisor?

14 A. Some experience in it.

15 Q. Okay. Does the department offer courses  
16 in that?

17 A. The department does not, as far as I know.

18 Q. Okay. Now, who would you have -- well,  
19 let me back up one minute. Let's go back  
20 to the Terramodel software training. Who  
21 would have given you that training?

22 A. The Terramodel training?

23 Q. Uh-huh.

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1 A. There have been classes that -- and who  
2 would have given it to me, I wouldn't have  
3 -- I don't know, but they had classes that  
4 -- prior, to white employees that was data  
5 editors before I was and during my time  
6 that had training in Montgomery and I  
7 guess other areas, wherever the training  
8 was, but I never was called to one of  
9 those trainings.

10 Q. Do you know any white employees who got  
11 Terramodel training?

12 A. Stacy Nichols, Troy Nichols, Dodd Austin,  
13 Robert Harris, Keith Kirkland.

14 Q. Okay. Anybody else?

15 A. Yes, it's several others, but I can't  
16 think of all of them right now.

17 Q. Okay. To your knowledge, had any of the  
18 people you just named had any training  
19 whatsoever or had they worked with  
20 Terramodel before they went to this  
21 training you indicated that they had?

22 A. Had they worked with it before?

23 Q. Yeah.

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1 A. I don't know.

2 Q. If you know?

3 A. I don't know right now.

4 Q. Okay. So their training might have been  
5 the first time they were associated with  
6 Terramodel at all?

7 A. I'm not going to say that. I wouldn't  
8 know.

9 MR. ADAMS: Are you at a spot for  
10 a break?

11 MR. REDD: Yeah.

12 (Brief recess.)

13 Q. When we left, you were giving me the names  
14 of some people that -- some coworkers or  
15 workers who you believe were given  
16 Terramodel training. I can't recall, but  
17 did I ask you when this training was given  
18 to any of the individuals you named?

19 A. I don't think you asked me that, but I  
20 can't recall.

21 Q. Was it during the time you were  
22 transportation technologist or before?

23 A. Before.

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1 title.

2 Q. Okay. But you believe that there should  
3 have been some -- is there a formal class  
4 that the department -- I think I asked you  
5 that already. How would that training be  
6 conducted, by your supervisor?

7 A. It should have been by my supervisor.

8 Q. Your immediate supervisor?

9 A. And the department, both.

10 Q. Okay. Your immediate supervisor being  
11 Tommy Lewis?

12 A. Yes.

13 Q. Do you know how long Tommy Lewis had  
14 actually been a supervisor at the time he  
15 became your supervisor?

16 A. No, I don't -- I don't know, but I know it  
17 had been quite some years.

18 Q. So you believe he had been a supervisor a  
19 while before he came to supervise you?

20 A. Yes.

21 Q. Okay. Terramodel training, supervisory  
22 training. What other training do you  
23 believe you should have been given but

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1 communication skills before you took the  
2 job?

3 A. I know I wasn't trained to communicate  
4 with -- as a supervisor.

5 Q. Well, how does a supervisor communicate?

6 A. To me, a supervisor should have very --  
7 very much knowledge of what he should  
8 expect out of his people and the time to  
9 get his people trained to get used to  
10 their jobs.

11 Q. Okay. But the people that you were  
12 actually supervising, weren't they EA  
13 II/IIIs or EA Is?

14 A. Both.

15 Q. Okay. And that's the job that you had  
16 worked at for several, several years  
17 before you became a TT, correct?

18 A. The job that I had worked in.

19 Q. Yes. So you knew what an EA -- what was  
20 expected of an EA on the job, did you not?

21 A. That's true.

22 Q. As you say yourself, you performed your  
23 job as an EA well?

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1 A. Exactly.

2 Q. And proficiently?

3 A. Yes.

4 Q. So you knew what was required of the job?

5 A. Of an EA?

6 Q. Yes.

7 A. Yes.

8 Q. So why would you need training to tell EAs  
9 what was expected of them when you had had  
10 the job yourself and knew it quite well?

11 A. Well, that's people then I had to deal  
12 with certain circumstances that I wasn't  
13 -- could not be aware of.

14 Q. Okay. You just -- did you have poor  
15 interpersonal skills when you took that  
16 job as TT?

17 A. As an EA II?

18 Q. No, when you took the job, did you have  
19 poor interpersonal skills or communication  
20 skills?

21 A. When you say poor, explain.

22 Q. I mean are you able to get your point  
23 across to people in a relatively easy

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1 manner, or does that come difficult -- is  
2 that difficult for you to do?

3 A. I feel that I can get my point across to  
4 them fairly easily, but in the sense I  
5 feel that people have different thoughts  
6 different from mine so I can deal with  
7 them.

8 Q. And that's just part of being a human  
9 being working a job, isn't it, though?

10 A. And there's a given time to learn it.

11 Q. I'm just trying to ask what kind of  
12 training would benefit you other than just  
13 working with the people. Some stuff can't  
14 be taught, and I'm just wondering what you  
15 could have been taught. If you have good  
16 work skills, what else could you be taught  
17 that would enhance your job performance?

18 A. Well, I mean, dealing with -- in a  
19 position dealing with people, then I'm set  
20 to a higher position, so I would have to  
21 communicate with them on a different base  
22 than what I would normally do.

23 Q. Well, you're the boss now, right?



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1 A. Right, so the boss needs training and time  
2 to...

3 Q. And you just don't think you had enough  
4 time to learn the job; is that what you're  
5 telling me?

6 A. Exactly.

7 Q. Okay. Not necessarily being trained, but  
8 just time to work into the job and be able  
9 to --

10 A. Adjust.

11 Q. -- feel comfortable with it?

12 A. Correct.

13 Q. So it sounds to me like your biggest  
14 complaint is that you just weren't given  
15 enough time as far as developing the  
16 skills and communication skills to be a  
17 good supervisor.

18 A. Time and training.

19 Q. Okay. Well, what additional training are  
20 we talking about?

21 A. At the time, I don't know. I'll just have  
22 to...

23 Q. Okay. Any other kind of training that you

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1 think you did not get that you should have  
2 gotten as a transportation technologist,  
3 other than what you've already told me?

4 A. Not right now.

5 Q. Okay. Did you ask anybody for some  
6 additional training?

7 A. Always.

8 Q. Who?

9 A. I asked Mr. Lewis.

10 Q. What did you ask him to do for you?

11 A. I asked him for his personal training  
12 since he's been in that position longer.

13 Q. And did he just refuse to give you any  
14 help?

15 A. His response was, you should already know  
16 that.

17 Q. Did he ever tell you that there's some  
18 things on that job that because of your  
19 prior job experience you shouldn't have to  
20 retrain or shouldn't have to be taught to  
21 do?

22 A. He assumed.

23 Q. But he told you that too, didn't he?

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1 A. He assumed.

2 Q. Well, when I say he told you, I mean he  
3 verbally said, Mr. Williams, you ought to  
4 know how to do Terramodel or,  
5 Mr. Williams, you ought to know how to  
6 tell somebody to go do a job and them do  
7 it right. Didn't he verbally tell you  
8 those kind of things?

9 A. Mr. Lewis assumed that I should know that.  
10 He never took the time to find out.

11 Q. Okay. Besides Mr. Lewis, who did you  
12 request for additional training? Who did  
13 you make requests to for additional  
14 training?

15 A. That was the person I talked directly to  
16 on most bases.

17 Q. All I'm asking, was there anybody else?

18 A. Not that I recall.

19 Q. Did you ever go over Mr. Lewis's head and  
20 try to get somebody else up the  
21 supervisory chain to give you any kind of  
22 training to help you?

23 A. Not that I can recall.

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1 Q. The next sentence in that EEOC complaint  
2 in Paragraph 1, it says, I was constantly  
3 subjected to harassment and intimidation  
4 by my supervisor. Let's start with the  
5 harassment. Can you explain to me what  
6 you mean by harassment and who harassed  
7 you?

8 A. Basically, Mr. Lewis was harassive.

9 Q. Okay. Now, one man's harassment is  
10 another man's criticism. Could you be  
11 more specific as to what Mr. Lewis did to  
12 you or said to you that you consider to be  
13 harassment?

14 MR. ADAMS: Object to form. You  
15 can answer.

16 Q. Do you understand my question? Can you  
17 give me any specific incidences that  
18 involve Mr. Lewis where he harassed you?

19 A. I'm thinking of it. Can I object not to  
20 answer this right now?

21 Q. No. You've got to answer my question,  
22 unless you want to be redeposed, and I  
23 don't think any of us wants that.

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1 voice to you, what other kind of  
2 harassment were you claiming that was  
3 received by you at the hands of Tommy  
4 Lewis?

5 A. My work performance. To me, trying to  
6 take away from my work performance is a  
7 harassing situation I have to deal with  
8 every day.

9 Q. What do you mean taking away from your  
10 work performance?

11 A. He didn't want to acknowledge me for what  
12 I knew or for what -- the ways I did my  
13 work. Everybody does their work  
14 different. As long as you come up with  
15 the same results, I think it's okay.  
16 But...

17 Q. Well, let me ask -- okay. Broach that  
18 subject. What about if your supervisor  
19 told you how to do a job, would you go  
20 about doing it another way even though you  
21 had already been instructed on how he  
22 wanted it done?

23 A. If my supervisor told me the way he wanted

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1 occasions in the performance of your job?

2 A. As long as it wasn't life-threatening.

3 Q. Okay. We were talking about the  
4 performance of your job. Was there any  
5 other things that he harassed you in the  
6 performance of your job?

7 A. Getting out of -- the way I got other  
8 people to work and understand work. He  
9 was -- and I felt he would go over -- go  
10 behind me and tell them not to do the work  
11 the way I was telling them to do it or  
12 that it wasn't needed that way. And I was  
13 in a new position, and I felt that he  
14 should have let me -- as long as it was  
15 the right way, he should have left me to  
16 do my supervisor position and he should  
17 have come to me and shown me the way he  
18 would like for me to give out those  
19 duties, but instead, he would like  
20 belittle me and take me and go over there  
21 and tell them how to do the job and  
22 wouldn't let me learn and do my part of  
23 it.

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1 Q. Okay. Let me just make sure I've got your  
2 pecking order quite right here.

3 A. Okay.

4 Q. Mr. Lewis is your boss on the job?

5 A. That's correct.

6 Q. And then you have some other people that  
7 you're their boss on the job?

8 A. That's correct.

9 Q. And you think it was wrong for Mr. Lewis,  
10 who was over you and over those people  
11 too, to tell them or give them orders on  
12 how he wanted stuff done?

13 A. I think it was wrong for him to belittle  
14 me in front of them.

15 Q. Well, how did he belittle you other than  
16 just telling people to do it a different  
17 way? Did he call you names? Did he call  
18 you stupid? Did he say, you're dumb; you  
19 can't do this job; why are you doing it  
20 this way or that? I mean, explain to me  
21 what you mean by belittle.

22 A. He would raise his voice in front of the  
23 crew to me on certain acts of the job --

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1 Q. Give me an example, if you can, a specific  
2 example.

3 A. Right now I can't think of one.

4 Q. Go ahead. I'm sorry. I didn't mean to  
5 interrupt you. What did you mean by  
6 belittle? If you can, be specific.

7 A. He would try to make me look small in  
8 front of my subordinates, and that  
9 wouldn't let me have -- gain the respect  
10 of my crew as their supervisor.

11 Q. Okay. Now, what you've given me is a  
12 generality. Is there any way you can put  
13 some meat on what you just told me so I'll  
14 understand what you're talking about?  
15 It's one thing to use the word "belittle,"  
16 but can you explain what you mean, how he  
17 did it, what did he say, what the context  
18 of the situation was? Do you understand?

19 A. For instance, I'm out and overseeing my  
20 crew. And they're working, and he steps  
21 out and says, Leroy, what are you doing,  
22 and starts to yelling and carrying on, and  
23 there's no sense, no call for it. And the



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1 and phrases. I'd like to know what the  
2 actual action was if you can describe it.  
3 Now, if you don't know, that's fine.

4 MR. ADAMS: Object to the extent  
5 he's already described that  
6 he was yelled at in front of  
7 his subordinates for things  
8 that he wasn't doing wrong.

9 MR. REDD: And we're on the  
10 Talladega project now, and  
11 I'd like to know what the  
12 specific instance that I'm  
13 hearing about was about.

14 A. Well, I can't recall it right now, but it  
15 is inside the paperwork.

16 Q. So it's belittling you and talking down to  
17 you?

18 A. And trying to create a hostile environment  
19 -- or creating a hostile environment.

20 Q. Well, did you get along with your crew?

21 A. Yes, I did.

22 Q. Okay. Any other things that you believe  
23 were harassment on the part of Tommy

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1 determining what is right under the laws.

2 Q. Did you ask Mr. Jones to get you some  
3 additional training?

4 A. I can't recall.

5 Q. Did Mr. Jones harass or intimidate you?

6 A. I can't recall.

7 Q. The last paragraph of the EEOC complaint  
8 says, I believe that I was discriminated  
9 against because of my race, black, and in  
10 retaliation for having filed a previous  
11 internal grievance based on race against  
12 my supervisor. Just to be clear, what  
13 grievance are we talking about? It's  
14 singular, so I'm asking the question --

15 MR. ADAMS: Object to form.

16 Q. -- which grievance are you being  
17 retaliated for?

18 A. I feel I was being retaliated for the  
19 Reynolds decree.

20 Q. Okay. The consent order in Reynolds?

21 A. Yes. I feel --

22 Q. Of which you are a class member by virtue  
23 of the definition of class?

LEROY WILLIAMS -- 02/21/2007

1 MR. ADAMS: He's already stated  
2 that he contends that he's  
3 been retaliated against  
4 based on all three of his  
5 grievances.

6 MR. REDD: So then Paragraph 10  
7 is actually a misquote, a  
8 misstatement of fact?

9 MR. ADAMS: It appears that there  
10 may be more than one  
11 grievance that Mr. Williams  
12 is relying upon.

13 Q. Is that correct, Mr. Williams? Is that  
14 your statement?

15 A. To my best knowledge.

16 Q. Okay. Paragraph 13 on Page 3, you're  
17 talking about similarly situated employees  
18 who did not file grievances have not been  
19 demoted or disciplined. Can you attach a  
20 name to any of the similarly situated  
21 employees who had not filed grievances  
22 that were treated differently than you?

23 A. William McKinnon (phonetic).

LEROY WILLIAMS -- 02/21/2007

1 Q. And when you name them, would you please  
2 specify their race and the nature of the  
3 grievance, if you know, and their job  
4 classification?

5 A. William McKinnon, he's a white male. He  
6 was promoted to the job classification  
7 that they demoted me from. And as far as  
8 my knowledge, they got him through all the  
9 steps to become a transportation  
10 technologist.

11 Q. Who was his supervisor?

12 A. William's supervisor? I don't know at the  
13 time.

14 Q. When was he promoted to TT? Was it the  
15 same time you were?

16 A. He was promoted when I was demoted.

17 Q. Okay.

18 A. Mr. Chan Granthem was one of the  
19 subordinates that I was training. They  
20 temporarily put him into the position that  
21 I was demoted from and they recently  
22 promoted him to the transportation  
23 technologist position. He's a white

LEROY WILLIAMS -- 02/21/2007

1 employee.

2 Q. Okay. Who else?

3 A. Scott Blake. He's a white employee that  
4 was promoted to the transportation  
5 technologist position during -- right  
6 before the period I was promoted, which I  
7 know he had problems, but he was never  
8 demoted; he was given the privilege to --  
9 of a second chance and some other ways to  
10 hold his position.

11 Q. Let me back up to Granthem. Who was  
12 Granthem's supervisor?

13 A. Who was his supervisor?

14 Q. Or is?

15 A. I was his supervisor when I was there.

16 Q. Who is his supervisor now?

17 A. I have no idea.

18 Q. Do you know who Blake's supervisor is?

19 A. I have no idea now.

20 Q. Okay. That's three people. Anybody else?

21 A. There was Stacy Nichols, Troy Nichols,  
22 William Dodd Austin, and that's all I can  
23 recall right now.

LEROY WILLIAMS -- 02/21/2007

1 A. Scott needed help on supervising, the same  
2 -- some of the same situations I was in.

3 Q. But that's not a disciplinary infraction,  
4 though; that's just a --

5 A. I was disciplined for it.

6 Q. Well, you were disciplined for  
7 insubordination and tardiness.

8 A. And I was demoted.

9 Q. Well, I'm going to ask you this: Was  
10 Scott Blake disciplined or do you know of  
11 any disciplinary issue he had for any kind  
12 of infractions?

13 A. I know he argued with his supervisor,  
14 Mr. Willy Primus.

15 Q. Okay.

16 A. I know he didn't follow Mr. Primus's  
17 directives.

18 Q. And you don't believe he was disciplined  
19 for any of that?

20 A. I know he wasn't.

21 Q. What about Dodd Austin?

22 A. Dodd, right now, would call in, and he  
23 never got written up for tardiness.

LEROY WILLIAMS -- 02/21/2007

1 Q. He would call in?

2 A. Yes, he would call in and he wasn't coming  
3 that day, on a certain day. And he would  
4 use his time and he was given the  
5 privilege to use his time in whatever the  
6 situation was.

7 Q. But that's not truly an infraction, is it?  
8 If you call in and you're approved for  
9 leave, that's not an infraction?

10 A. Well, I called in and I was denied  
11 approval. So to me that's an infraction  
12 because --

13 Q. But you understand my point, though. If  
14 you call in -- and even though you say  
15 it's unequal treatment to you, but it's  
16 not an infraction, is it, with Austin, as  
17 long as he called in properly and took  
18 leave?

19 A. Well, I thought I did.

20 Q. Well, you may have.

21 A. Okay.

22 Q. But what he did was not an infraction in  
23 the true sense?

LEROY WILLIAMS -- 02/21/2007

1 A. On my write-up it says tardiness, and they  
2 wrote me up for it and gave me a reprimand  
3 for continuance -- or tardiness of some  
4 sort. So evidently, it is some kind of  
5 infraction.

6 Q. Okay. So you're saying that when Austin  
7 called in and took sick leave, that was an  
8 infraction. What about McKinnon?

9 A. When McKinnon called in.

10 Q. Same thing?

11 A. Yes.

12 Q. He would call in; they'd let him have  
13 leave, but they wouldn't let you have  
14 leave when you called in?

15 A. No.

16 Q. And Granthem, same kind of thing?

17 A. Same thing. Granthem was there when I was  
18 there at 5 o'clock in the morning and I  
19 had to wait 20 or 30 minutes on Granthem.  
20 And I spoke to Tommy about it, but Tommy  
21 wouldn't -- Tommy said I've got, you know,  
22 he can handle this.

23 Q. And you're the supervisor?



LEROY WILLIAMS -- 02/21/2007

1 A. And I'm the supervisor.

2 Q. Could you have written him up?

3 A. Could I have written him up?

4 Q. Yeah, Granthem, for being late?

5 A. I really don't know.

6 Q. As a supervisor, you don't know? Okay.

7 Who else besides those four that you've

8 listed white employees were treated

9 differently? Anybody else?

10 A. Besides those I listed?

11 Q. Uh-huh.

12 A. I can't recall right now. I'm quite sure

13 there is some more, but I can't recall

14 right now.

15 Q. If you happen to recall their names, would

16 you tell your lawyer so he can tell me so

17 I'll know?

18 A. Yes, I will.

19 Q. Okay. Have you identified to me all the

20 persons within the Department of

21 Transportation that discriminated against

22 you --

23 A. That I can recall.

LEROY WILLIAMS -- 02/21/2007

1 \* \* \* \* \*

2 REPORTER'S CERTIFICATE

3 \* \* \* \* \*

4  
5 STATE OF ALABAMA

6 COUNTY OF MONTGOMERY

7  
8 I, Nicole Paulk, Court Reporter  
9 and Notary Public in and for the State of  
10 Alabama at Large, do hereby certify that  
11 the foregoing is a true and accurate  
12 transcript of the proceedings as taken  
13 stenographically by me at the time and  
14 place aforementioned.

15 This 28th day of February 2007.

16  
17 Nicole Paulk /mH  
18 Nicole Paulk  
19 Reporter and Notary Public  
20 State of Alabama at Large  
21  
22  
23

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

**LEROY WILLIAMS,**

**Plaintiff,**

V.

2:06-cv-658-ID

**STATE OF ALABAMA DEPARTMENT  
OF TRANSPORTATION and JOE  
McINNES, in his official capacity  
as Director of the State of Alabama  
Department of Transportation**

**Defendants.**

**AFFIDAVIT OF DON T. ARKLE**

Before me, the undersigned notary public in and for the State of Alabama at Large, this day personally appeared Don T. Arkle, who being known to me and being by me first duly sworn, deposes and says on oath as follows:

My name is Don T. Arkle, I am a resident citizen of the State of Alabama and am over the age of nineteen (19) years.

I am presently an employee of the Alabama Department of Transportation (ALDOT) and was so employed at all times relevant to this lawsuit. I am currently serving as the Assistant Chief Engineer for Policy and Planning and at times relevant to this lawsuit, served as the Design Bureau Chief.

On, to-wit, August 19 2005, I received a memorandum from Location Engineer William F. Adams concerning probationary employee Leroy Williams. The memorandum from Mr. Adams, and the attachments thereto, cited a number of issues concerning Mr. Williams' performance during the probationary period, including tardiness, lack of knowledge of job skills, poor time management, failure to follow rules, and insubordination toward his supervisor. Mr.

Adams recommended that Mr. Williams' probationary period be ended and that he be reassigned to his former classification as Engineering Assistant II/III. See Exhibit 1.

I reviewed Mr. Adams' memorandum and attachments and was of the opinion that, based upon Mr. Williams' poor performance and conduct during the first three months' of his probationary period, his probationary period as Transportation Technologist should be terminated and that he should be reassigned to his former classification of Engineering Assistant II/III (EAII/III) in the Design Section. I indicated my concurrence with this recommendation by signature on the memorandum. See Exhibit 1.

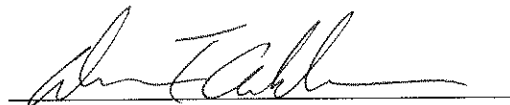
On August 22, 2005, I sent a memorandum to Ron Green, Personnel Director, requesting that Mr. Williams' probation be terminated and that Mr. Williams be returned to his former classification as Engineering Assistant II/III. See Exhibit 2.

The request to end Mr. Williams' probation and to reassign him to his former position was approved and on September 1, 2005, I advised Mr. Williams, by letter, that his appointment to Transportation Technologist was terminated effective September 3, 2005 and that he was to report to Mr. Adenrele Odutola, Roadway Design Section, on September 6, 2005. see Exhibit 3.

It is my understanding that Mr. Williams complains that he was retaliated against for having filed a grievance complaining about having been discriminated against by his supervisor during the probationary period. . I have no knowledge of any grievance filed by Mr. Williams concerning this matter.

FURTHER THE AFFIANT SAITH NOT.

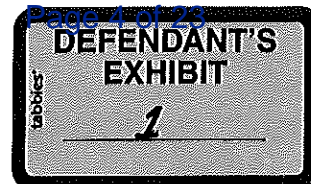
I signed this affidavit on March 19, 2007 in Montgomery, Alabama.

  
Don T. Arkle

SWORN TO AND SUBSCRIBED before me on this 1<sup>st</sup> day of March, 2007.

Sabrina J. Gibson  
Notary Public, State at Large

My Commission Expires: 06-09-07

**ALABAMA DEPARTMENT OF TRANSPORTATION**

1409 Coliseum Boulevard, Montgomery, Alabama 36110  
P.O. Box 303050, Montgomery, Alabama 36130-3050

Telephone: 334-242-6311 FAX: 334-262-8041



Bob Riley  
Governor

J.D. McInnes  
Transportation Director

August 19, 2005

**MEMORANDUM:**

TO: Mr. Don T. Arkle  
Design Bureau Chief

FROM: William F. Adams  
Location Engineer

A handwritten signature in dark ink, appearing to read "WFA".

RE: Probationary Period of  
Leroy Williams

Mr. Williams was appointed to the classification of Transportation Technologist in the job title of Field Supervisor effective May 14, 2005. Mr. Williams was assigned to Mr. Tommy Lewis's crew. Since beginning with Mr. Lewis's crew, Mr. Williams has been reprimanded for excessive tardiness on July 26, 2005, and for insubordination on August 11, 2005, as shown in the attached documentation from Mr. Lewis and Mr. Joe Jones, Assistant Location Engineer.

Mr. Williams' lack of respect for the rules established by the Department, Bureau and Location Section and for his supervisor as shown by his actions is totally unacceptable. For these reasons, I am recommending that Mr. William's probation be ended at this time and that he be reassigned to his former classification of EA II/III in the Design Section.

Let me know if you have any questions or need additional information regarding this recommendation. Please indicate your concurrence with this recommendation by signing in the space provided below.

Concur:

A handwritten signature in dark ink, appearing to read "D. Arkle".  
Don T. Arkle

Date: 8-19-05

Attachments



## ALABAMA DEPARTMENT OF TRANSPORTATION

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Bob Riley  
Governor

J.D. Molnes


August 15, 2005

ATTACHMENT

A

### MEMORANDUM

To: William F. Adams, Location Engineer

From: Joe E. Jones   
Asst. Location Engineer, Field

Re: Recommendation of Discipline

Leroy Williams, Transportation Technologist (Probationary Employee)  
Field Supervisor  
SECOND REPRIMAND by SUPERVISOR  
Charge: Insubordination

On August 11, 2005, Leroy Williams and Thomas Lewis met with me in my office to discuss the above referenced. I will refer to Mr. Williams as Leroy and Mr. Lewis as Tommy.

Tommy had called me from the field on the morning of August 11, 2005 to inform me that he was about to charge Leroy with insubordination. He briefly explained the situation to me. I then instructed him to bring Leroy with him and meet with me at 3:00 p.m.

Please see the attached written reprimand for details that led up to this disciplinary action. Generally, the insubordination charge was made because Leroy angrily walked off from Tommy during a meeting where Tommy was counseling/instructing Leroy on work matters. Tommy warned Leroy twice not to walk away and even warned him the second time that if he did, he would be charged with insubordination. Leroy walked away anyway.

During the meeting in my office, Leroy confirmed that he did walk away. However, Leroy said he did so only because Tommy was being demeaning and "talking down to him". Tommy denies this. I advised Leroy that a subordinate never terminates a meeting that a supervisor has called or disregards a directive unless it is unlawful or is dangerous. I also advised him that he should have finished listening to the supervisor, done what he asked, and then file a report/complaint as to the demeaning treatment that he said he received. I advised him that the reaction from him was unacceptable and shows a blatant disregard for the supervisor's authority to the point of insubordination.

At one point in our meeting, Leroy said that Tommy is "constantly" harassing him and "will not let him do his job". According to Tommy, he has never harassed Leroy but has indeed corrected him, trained him, and advised him of the rules and how they are to be followed. Tommy says that Leroy is defensive and has become more and more argumentative when he tries to instruct/train him. Tommy said that Leroy has threatened to "get a lawyer" during one of their sessions.

When I asked Leroy if he was accurate when he said, "Tommy constantly harasses and demeans me ALL the time", he said he was accurate. Leroy even said that ALL of the crew members had asked him, "...why does Tommy harass you like this ALL the time?" I asked Leroy was he sure that ALL members had asked him this and he said yes. I instructed Tommy to have a meeting with his crew as soon as possible and see if this accusation was accurate. Tommy said he would and would make a full report. On this date, Tommy had that meeting, with Leroy present, and has advised me that NONE of the personnel confirmed they had ever witnessed his harassing or demeaning Leroy. Please see the attached report on the meeting.

According to Tommy, Leroy is not handling the responsibilities of Field Supervisor well at all (see counseling session on July 28, 2005). This includes things like: he is not knowledgeable enough to handle the technical issues; not doing well at supervising his personnel; not managing time well; not following established rules concerning tardiness and lunch/break times; not retaining instructions/knowledge that Tommy is offering him. As a result, he reports that progress is being severely hampered. Tommy reports that the field operations are severely lacking in production and that even the minimal data being collected is often faulty because Leroy is not following procedures laid down by Tommy. In addition, field operations are lagging because Leroy is not managing time well at all.

For example, Tommy said that on August 11 one of the things (just prior to the insubordination) he was attempting to counsel Leroy on was his use of work time and making sure that the work effort was being maximized. Tommy said Leroy was defensive and said he was working hard. Tommy was trying to relate some times that were recorded in the Total Station that showed the work history on certain dates. Leroy stated that he didn't know what the clock on the instrument showed but that he was getting to work in the field in a timely manner. However, Tommy has presented documents (see attached) that show a history of the FIRST "setup" recorded in the instrument for several days. Those times are compared to another crew which is working out of the same office, doing similar work on the same project within a 1/4 mile of each other. The document shows that the other crew consistently had a recorded setup time of roughly an hour BEFORE Leroy's crew did each morning. The document seems to exhibit a pattern of Leroy NOT getting to the job site in a timely manner. Tommy advised me that Leroy doesn't agree with the exhibit. Tommy has assured me that he checked the clock on the instrument and it is accurate.

#### Summary:

Leroy is a probationary employee in the classification of Transportation Technologist and is performing that probationary period in the job title of Field Supervisor. He is roughly at the three-month point in the period. Leroy has several years experience in Location Surveying, including experience as a Data Editor within a crew. Because of this experience and the training/classes Leroy has taken advantage of, I expected him to be a much more effective Field Supervisor. This is not proving to be the case. Tommy is a Party Chief with many, many years of Location Surveying experience. I have confidence in his knowledge and skills in Location Surveying because he was a successful Field Supervisor for all those years. Based on those years of experience, Tommy is attempting to help Leroy develop good technical skills along with good procedures to maximize efforts in the field. In essence, here is a successful and experienced supervisor attempting to train, advise, and counsel a subordinate who is a probationary employee in training. At the same time, he is attempting to cause Leroy to focus more on the responsibility of setting a good example for HIS subordinates by following all rules and regulations.

Leroy was not expected to "be up and running" since he is in a probationary period. However, he was expected to perform well in the technical areas and expected to stay open to critique and instruction by the Party Chief in those areas where he is weakest. Once he receives this critique/instruction, I would expect him to note it and react to it by conforming and by following those instructions. It seems, though, that Leroy takes offence to Tommy's critique and to his tutoring. It is apparent that Leroy interprets this as harassment. It seems to me that Leroy should concentrate more on being more receptive to learning all he can from Tommy's vast experience as a Location Surveyor (including all aspects of the job), as a long time Field Supervisor, and now as a Party Chief. Being argumentative and defensive when his supervisor is trying to counsel and train him is counterproductive and uncalled for. For some reason, Leroy seems to think that Tommy is being harassing when, according to Tommy, he is only trying to help Leroy learn how



to do the job in an accurate and timely manner with minimal effort. This seems like a reasonable approach to me.

Leroy has broken the rules pertaining to tardiness for which he received a written reprimand. Now, he has received a written reprimand for insubordination; all within the first three months of his probationary period. It seems that Leroy is resisting all supervision by Tommy and is ignoring the rules in place for things such as those for tardiness and other rules. According to Tommy, Leroy even was argumentative about the lunch hour and how it is to be handled. All of this is unacceptable for ANY employee of any job title but is surely not acceptable from a supervisor who needs to be setting the example for his subordinates. All other personnel are held to the same standards of following rules and for being cooperative. I see no reason for Leroy to be the exception. The rules and regulations set forth by State Personnel, ALDOT, and the Location Section seem to be fair to me. I don't consider the rules unreasonable and see no reason any employee would have trouble following them.

It is now my conclusion that Leroy has not represented himself well in his job title of Field Supervisor. However, his performance is fairly secondary to his seemingly hostile attitude of assuming a supervisor is being harassing when they are giving instructions and directives. Usually, this type attitude might be expected from a new employee who is making an adjustment to our rules and regulations and to our work habits at the ALDOT. Leroy, however, has worked several years in our survey crews and should be well aware of our rules and regulations. To be argumentative and insubordinate to his supervisor is just not acceptable. This attitude along with his weak job performance is, according to Tommy, causing a serious lack of progress on a job that has a very important timeline to be met. The evidence attached concerning the "late morning" setups recorded in the instrument and then the unsatisfactory response to Tommy's instructions seem to bear Tommy's feelings out. The reprimands for tardiness and for insubordination seem to make a case that this employee is not meeting standards at this point.

Tommy says in his written reprimand that he is not sure how severe the punishment should be. However, he says that he would recommend at least a suspension. I concur in that a suspension should be the minimum disciplinary result. I would suggest, however, that serious consideration be given to other choices. Since Leroy is a probationary employee and is being judged on his job performance, on his abilities to follow directives, and on his sense of cooperation, his successes and failures are magnified even more. It is during this time that the Department is depending on supervisors to judge whether or not a probationary employee meets or does not meet standards. It is then the supervisor(s) who should make a judgment based on good information and evidence, and then present a recommendation that is beneficial and reasonable to the Department.

Thus, it is my recommendation that Leroy not be allowed to continue in the Transportation Technologist classification. The reports given to me by his supervisor, Tommy Lewis, show that he is proving less than desirable as a Field Supervisor for which he was hired. If Leroy is unwilling to react positively to discipline, training, corrective counseling, or warnings, then his tenure in this probationary period should be stopped now.



Bob Riley  
Governor

## ALABAMA DEPARTMENT OF TRANSPORTATION

Design Bureau  
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Phone: 334-242-6178 FAX: 334-269-0826



Joe Molines  
Transportation Director

July, 26 2005

ATTACHMENT  
B

### MEMORANDUM

To: Leroy Williams, Transportation Technologist  
Field Supervisor

From: Thomas W. Lewis  
Chief of Party

RE: Reprimand for Repeated Tardiness

Mr. Williams, on Monday, July, 25 2005 you reported to this office in Tuscaloosa at 7:14a.m. You are given 2 hours of driving time from the Montgomery office to this office. Your reporting time in Montgomery is 5:00am and therefore if your report to the office here in Tuscaloosa any time after 7:00am you are considered late for work (tardy).

This is the 4<sup>th</sup> time you have been tardy since May, 16<sup>th</sup> 2005, the day you were assigned to this crew. Please refer to the following:

Occasion One: On Wednesday June, 1 2005 you reported to the parking lot in Montgomery at 5:05a.m. which was 5 minutes late. At that time I informed you that being tardy was unacceptable. This was a verbal warning.

Occasion Two: The very next day I instructed the crew to meet in the parking lot of the motel where everyone was staying in Auburn. You did not report at that location and I had to be told by another crew member where you were. That in itself is an infraction because you did not do as instructed. All other crew members reported just as I had instructed. I told you on that day you were late, because you were not where I told you to be at 7:00a.m. I

explained if you were late again you would be subject to disciplinary actions. This was a second verbal warning.

Occasion Three: On Monday, June 20<sup>th</sup> you did not arrive at the office in Tuscaloosa until 7:30a.m. You called me that day and told me your stomach was bothering you. Even though you told me you were sick you went on out and worked the rest of the day like there wasn't anything wrong. I explained to you the importance of being on time to set an example for the crew members you supervise. This was a third verbal warning and a pattern had developed.

Occasion Four: And now on Monday, July 25<sup>th</sup>, you did not report to the office here in Tuscaloosa until 7:14a.m. You did not notify me even as I talked with you on the Southern Line BEFORE 7:00a.m. That in its self is grounds for a Reprimand. I am mystified as to why you did not mention to me that you were going to be late because you should have been very aware that being tardy is not acceptable.

The policies set down by our department plainly state that you must notify your supervisor if you are going to be late and that excessive tardiness will not be tolerated.

Consider this written reprimand as the next step in the disciplinary process concerning your being tardy. The first steps included the verbal warnings already mentioned. Also consider this as a warning that the next time you are tardy you will be charged LWOP and you will receive another discipline (possibly another reprimand and/or a suspension).

This is a very serious matter and it will be reflected on your next grade sheet. I trust you understand that you must adhere to the rules set forth by the Department or you can cause serious injury to your career. I should also remind you that you are still in the early stages of your six-month probationary period as a Transportation Technologist and this type of behavior is detrimental to your being assessed as a dependable employee. And certainly as a Field Supervisor, you should be setting the example for the subordinates in your crew.

Thomas W. Lewis  
Chief of Party

Mr. Leroy Williams  
Work Performance  
Counseling Session  
July 28, 2005

Written by:  
11-0-10  
**ATTACHMENT**  
**C**

A Not Following directions

1 May 16<sup>th</sup>, 2005, the first day you reported to this office we all sat down and discussed that you, as a supervisor, do not have the authority to let people off with out my approval. We also discussed work times, and the importance of not being late.

a. Work Times

1. On May 16<sup>th</sup>, we discussed what the work times were:  
5:00 a.m. to 5:00 p.m. Monday  
7:00 a.m. to 5:00 p.m. Tuesday and Wednesday  
7:00 a.m. to 7:00 p.m. Thursday.

b. May 24<sup>th</sup> I took you out and showed you the new project and what work we need to do. I explained when working around the Interchanges you should not set radial points with out checking them for accuracy. When we started checking our files an err was found. After going back checking I realized that you had set radial points to work off of. I told you go run a closure loop on the points, not once but twice before you did it the way I had told you to

c. Tuesday, May 31<sup>st</sup> you came into the parking lot in Montgomery 5 minutes late. On this same date, I instructed you to meet with me in the parking lot of the motel at 7 a.m.

d. Wednesday, June 1<sup>st</sup> you were not at the motel parking lot, where I had instructed you to be the day before. You took this upon yourself not to follow my instructions and you did not notify me of this. You informed Rodney instead of your supervisor. I do not know where you were, so as far as I'm concerned you were late that day also.

e. Thursday, ~~July 28<sup>th</sup>~~ you let everyone go at 1:00 p.m. with out my approval, then you told me you let them go at 2:00 p.m. This is insubordination.

June 30

written by  
T. Lewis

B. Checking you work

I have told you time and time again time again about checking your field work. It's the only way you can be efficient. All of this could still fall under not following directives

1. On May 17<sup>th</sup>, I found out you had had a problem the day before. I told you needed to be checking your work to keep things like that from happening.
2. June 15<sup>th</sup>, I had to tell you to check your work again to see if you had the sufficient information that was needed to cover the area in question.. I explained to you that all you had to do was load the information that you had gathered and see if it covered the area properly.
3. July 19<sup>th</sup>, once again I had to tell you to check your work after running some 3,000 ft of traverse without checking a previously established point. I explained that all you have to do is load one of the previously established coordinates and stake it out to find a point and see how much you have missed it. I have provided you with a laptop to keep in the truck to do this with. You have the files on the computer with this information. This is a tool that you need to use. Even as I was telling you this, you were telling me the information you were gathering was good "it looks good when I downloaded it. It must be good. After I made you go back and check the traverse what did you find? You found you had over a 1 foot err. Now you have spent almost 2 days trying to find the err. This is time wasted.

C. Working Skills

g. Computer Skills

1. May 16<sup>th</sup>, the day that you first started on this job, I asked you what kind of experience you had with the computer. You stated that you had been a data editor and you knew a good bit about terra model.
2. July 6<sup>th</sup>, I had to give you a lesson on how to draw a line in terra Model and how to draw points by station offset. I have also had to show you how to load image files into model. These are basic skills in model that one of your standing should already know.
3. Monday, July 18<sup>th</sup> I had to show you how to write out a points file in a station offset format, but yet you told me that you were a data editor and you knew a good bit about the program.
4. July 27<sup>th</sup>, I had to explain how to draw an alignment up on the computer. This is the same thing I had to show you back on July 6<sup>th</sup>. How to draw a line. The problem I saw on this day was. You had the information to draw the alignment with, but you did not know how to retrieve the information. The Terramodel file you



written by  
T. Lewis

had open had a layer *Isolated* hiding all other layers with the information you were looking for. Evening after working with this file many times you did not recognize the information you had worked with in the past was not showing up.

h. Math skills

- ✓ 1. On June 2<sup>nd</sup>, I had to show you how to add and subtract angles. I also had to show you how to convert a bearing to an azimuth. I actually had to draw you a diagram to show you how to do this.

i. Managing you workers

- ✓ 1. You have come to me and said the reason you don't get as much work done as I think you should is because of the people you supervise. You say that they don't know what to do. You said to me that the men should know they need to cut the stub down low, so you think you don't have to tell them to do this. I tell you its not that they don't know this, it's that they are not going to do it unless you tell them to. It is easier to cut them up high. If you can't the worker's that you supervise to get the job done, then you are not doing your job as a supervisor. You can't take this personally it's a job and it has to be done correctly. It is your job to tell them to cut the stub down low. Don't assume that they should already know to do this. At some point you have to let these people know you mean business.

j. Training your workers

- ✓ 1. I have been confronted by one of your subordinates that they can't go to you and ask how to do something. They say that you want take the time to explain it to them where they can understand it. Now this employee has to go to some one else to learn the task. There again training employees is a skill you have to have in order to be a supervisor.

I. Prejudges

- a. Accusing me of being prejudices will not be tolerated.
- b. Nothing I have said to you has been in a prejudice manner.
- c. We all must learn to communicate in a professional manner and that is the way I was speaking to you.
- e. When you are a supervisor, you must learn how to speak to your employees and your employers, especially those that are over you. You are to treat your superiors just as what they are, supervisor.

*written by:  
T. Law*

- f. Telling me the reason we are in a racial lawsuit is because we did not train employees is not an appropriate way to talk to your superior and it will not be tolerated.

II. Transfers

- a. There will be no transfers from the crew you are with now, at least not for the reason that you gave me earlier.
- b. Just because you think I'm being too hard on you is not reason enough to be asking for a transfer.

Summary

It has become an every day thing. I have to show you how to do some miner task in Terramoldel, how to run a closure loop, how to set up files to work with. I am spending so much time trying to train you to do you job, I have to work late just to complete my work. I could understand spending this much time training a new Supervisor that had no experience in surveying. But you have been exposed to so much information in the past working with the Location Section along with the other Sections. I can not understand why you have not learned these skills in the past.

In the interview with Mr. Jones, you told him you had the skills to be a supervisor. When you came out to the field you told me you had the skills to be a supervisor. Now, you are being held responsible for your work as a supervisor and you want to tell me you were not trained in the skills you need to be a supervisor. I know the people you worked under as a rodman, instrument operator, and data editor. I don't think it was that you weren't taught these skills, and I don't think you took it upon yourself to learn the skills that you were exposed to. In the event of this, now you are blaming every one else for your lack of skills. That to me, is not an excuse. If you want to continue being a supervisor you must improve you skill. There is a big gap between where you are now and where you need to be between now and the end of your probation. If you don't improve as much as need to your probation could be extended or you could be released. I want you to understand this is a serious matter and one you need to work hard on. I will work with you as much as I can to help you improve your skills but in the end it's up to you to learn and show me you can be a supervisor.



Bob Riley  
Governor

## ALABAMA DEPARTMENT OF TRANSPORTATION

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Telephone: 334-242-6311 FAX: 334-262-8041



J.D. McInnes  
Transportation Director

July 28, 2005

ATTACHMENT  
D

### MEMORANDUM

Counseling Session

Leroy Williams, Transportation Technologist  
Field Supervisor

Re: Probationary Performance Concerns

On this date, a counseling session was held with Leroy Williams, referenced above. Also present was Mr. Thomas Lewis, Party Chief, who is Leroy's immediate supervisor. My concerns involved several areas that were well documented by Mr. Lewis (see attached). I felt it necessary to immediately discuss those concerns with Leroy so that he could concentrate on improving in those areas. I will refer to Mr. Williams as Leroy and Mr. Lewis as Tommy.

Leroy was promoted to Transportation Tech as a Field Supervisor and reported to Tommy on May 16, 2005. Leroy is presently being assessed during his six month probationary period and is now at his second month in the classification/job. Tommy has been keeping me informed on Leroy's progress or lack thereof. After two months, it has become obvious to me that Leroy is lacking in many areas as a Field Supervisor and this has me concerned. The following is a summation of the meeting and of the notes used for the session:

#### Working Skills

Leroy shows a definite weakness in math skills as related to surveying. For example, he was unable to calculate angles; azimuths until Tommy showed him how. Leroy told me he now knows how and can do them easily. My concern is that he writes all these things down as he is taught because he may forget. Since he has had high school geometry, three courses in geometry through the ALDOT, one course in trigonometry through the ALDOT, and several years in Location Surveying, I would have assumed that he would have garnered these skills necessary to do the job. I advised Leroy that he had to concentrate on improving these skills and that he should ask Tommy for hands on training. I also advised Leroy to take good notes and KEEP them to refer to so that he is not susceptible to losing the skill through a lack of good memory. We cannot have a crew standing around for an extended time because Leroy is spending too much time doing a calculation or is wasting time because Leroy doesn't know how to do a needed calculation.

He shows a lack of skills concerning checking his work in the field to ensure accuracy. Tommy had to instruct him several times about this and even to the point of demanding that he do the "checks". Leroy had been argumentative with Tommy concerning this directive which is unacceptable. There have been errors made that have caused a waste of time already because Leroy did not do as he was told. This is a common knowledge skill that Leroy should have learned through the years he has worked in a crew. I advised Leroy that he is being held responsible for doing the work accurately and timely....and for sure, to check his work if for no other reason than his supervisor told him to. I advised him to glean knowledge and



direction from Tommy on all work because Tommy has many years of experience as a Field Supervisor and is one who has a vast knowledge of Location Surveying procedures.

He shows a severe lack of skills in working with Terramodel. Even though this is not a highly required skill to be a good Field Supervisor, it is desirable. Since Leroy had been a Data Editor for over a year, I would have assumed that he had a pretty good working knowledge of Terramodel and could build basic alignments and/or retrieve data as needed. According to Tommy, this is not the case. Leroy had advised Tommy on his first day that he knew Terramodel and had a good understanding. Leroy noted on his resume and his application that he worked in the Data Editor job for a good while. I have advised Leroy to ask either Tommy or the Data Editor in the crew to show/teach him what he needs to know to work efficiently in the program....and to be able to find and retrieve data as needed without delaying the work process. I again advised making good notes and hanging on to them for reference in the future.

From discussions with Tommy over the last two months, I am concerned that Leroy does not have a really good grasp of what is required on a survey, even on a daily basis. Once again, Leroy should have accumulated enough knowledge and experience over his years in a survey crew to make him highly efficient and skilled and knowledgeable about what is needed to complete a survey. This is not the case according to the overall operations that Tommy has been reporting to me. Tommy says he is having to work late many nights just to catch up on his work because he is spending so much time teaching/showing Leroy how and what to do. Also, Tommy says he is spending too much time checking and correcting errors made in the field due to bad procedures. Again, Leroy told me in his interview that he was a better qualified candidate for the job because of his experience in Location Surveying AND because of the training that had been offered by the ALDOT. Leroy is not exhibiting the qualities that I expected from him because of his experience he talked about. I advised Leroy that the lack of knowledge pertaining to what is needed on a daily basis is a surprise to me after having interviewed him and having read his resume. I told him he needed to concentrate really hard on getting a better feel for what is required by asking questions and communicating closely with Tommy and the Data Editor. If he will do this, progress will not be hampered due to "floundering" caused by his ineptness. Once again, I advise Leroy to take good notes and then hang on to them for reference.

Leroy shows a lack of management skills in that he cannot effectively supervise his subordinates. Leroy stated to Tommy that he was not getting as much work done as he could "...because his people didn't know what to do." I told Leroy that correcting this problem was his job. As a field supervisor, and according to his form 40, one of his tasks is to train subordinates so the surveys are done efficiently and accurately and without delay. I advised Leroy that he must separate himself from the "worker" mentality and become more aggressive in the supervision and training aspect of the job. If the subordinate doesn't know what to do, then he must show him. If the subordinate doesn't perform well or is "dragging around" then he must approach that individual and square him away. One of the subordinates even complained to Tommy that they couldn't get Leroy to explain things to them. That subordinate then would have to ask somebody else how to do a certain chore. I advised Leroy to be focused on his subordinates' weaknesses and do all that he can to teach them. The very least Leroy should do is make sure that he communicates clearly to them what it is he wants them to do at any given time. After a while, they too will be expected to catch on and do their work without specific and continuous directives when performing redundant tasks.

#### **Doesn't Follow Directives**

This concerns me greatly. Tommy noted several directives that he had given Leroy at different times and that Leroy had ignored them or did not react to them. (see attachments). This is not acceptable. I informed Leroy that if Tommy gives a directive and it is not illegal or harmful, then he must do his best to do exactly what was told him. If he ignores or simply does not do what the supervisor asks or directs, then he actually is being insubordinate. I made sure Leroy understood that insubordination is one of those things that can cause termination on the FIRST offence. I asked Leroy if he would allow a subordinate to ignore or disobey a directive. He answered "No". He then seemed to understand that he should be then cooperative with Tommy and do as he directed EVERY time. I told Leroy that if he did not agree with the directive, not to ignore it, but go ahead and do it. THEN, while alone with Tommy, voice his suggestion that the task be done a different way. Tommy may not change his mind but then again, he might.

Example: Leroy said he did not hear one of the directives to meet at a motel on a particular morning (see attachment). Since ALL other crew members heard the directive, and even the man sitting beside Leroy heard the directive, it is a mystery to me how he did not hear it as well. It seems to me that Leroy simply wanted to do what HE wanted to do and ignored the directive. This is not acceptable. I advised Leroy that he must always be cooperative and do what he is told. Since he is the Field Supervisor, he must be the FIRST to set the example for the rest. I also told Leroy that it is his responsibility to be informed EVERY day as to matters such as this. It is a shame that all subordinates reported as instructed and Leroy, the Field Supervisor, did not.

#### Tardiness

We discussed all FOUR times Leroy has been noted as arriving for work late by Tommy. Leroy did not deny that he was late but only that he was not as late as Tommy had noted. I advised Leroy that the amount of time he is late is not the issue but, rather, the fact that he was late is the issue. First, his being the second in charge of a crew as a supervisor demands that he set the example by NEVER being late and certainly not being late often. I made sure he understood that work rules are to be adhered to without question. Being tardy is not acceptable and will be dealt with swiftly if a pattern develops...which in Leroy's case, the pattern has developed. Secondly, since every crew works as a "unit", it is imperative that all members be at work on time or the whole crew suffers.

Since Leroy had been warned THREE previous times about tardiness infractions, Tommy gave a written reprimand the fourth time when Leroy arrived at the office late on Monday morning (see attached reprimand for details). However, because Leroy stated that the allotted drive time from Montgomery to Tuscaloosa is not a reasonable drive time, I have asked Tommy to withhold the reprimand UNTIL he personally makes the drive himself under the same conditions that Leroy made. Leroy says the drive takes 2 hours and 25 minutes if you drive the speed limit. The difference in the drive time allowed and what Leroy says it takes is roughly 25 minutes. The allotted time is two hours but Tommy tells me the crew is always there on Mondays around 6:40 to 6:50 a.m. If this is true, then according to Leroy, the crew has to be driving at a high rate of speed and this is not acceptable. If Tommy proves the drive to be less than two hours under the same conditions that Leroy describes, then the reprimand stands. If the drive is proven to take more than two hours, then I recommended to Tommy that he rescind the reprimand. HOWEVER, I advised Leroy that the first three warnings will remain on record and that the next infraction of tardiness WILL RESULT in a reprimand. He said he understood and seemed to have no problem with that approach.

What causes concern for me is that this "two hour" drive time has been in place for MORE than a year now and was put in place by the previous Party Chief, Joe King. Not one time has any individual in that crew ever mentioned that the drive time was not long enough. We will assess this carefully as Leroy's career could be adversely affected if the two-hour drive time is accurate. A reprimand is not given lightly because it is such a negative on one's grade sheet. An addendum will be inserted below on the results of the drive/test that Tommy has been instructed to do.

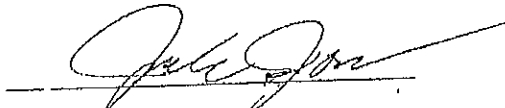
Within this entire subject is an included fact that Leroy was driving his personal vehicle those times he was late. I made sure he understood that if he chooses to drive his private vehicle (we furnish transportation in the Carryall), then he is obligated to arrive at the allotted time and for sure BEFORE the carryall. He said he understood. I also advised him that his privilege of driving his private vehicle could be revoked if he persisted in being late while driving his own vehicle. By his traveling in the Carryall, we can assure that he will arrive on time and his problem will be should be solved.

I warned Leroy that arriving at the parking lot on Mondays at 5:00 a.m. is mandatory and is not debatable. If a person arrives later than 5:00 a.m., then he is late. If the time for arrival at the Field Office is set at 7:00 a.m. by the Party Chief, and it is an accurate allotment, then if one arrives AFTER 7:00 a.m., he is late. Those are the rules and they are not up for question. He said he understood.


#### SUMMARY:

After having talked with Leroy as summarized above, I feel confident he now understands that Tommy and I are concerned about his lack of performance and his weaknesses in certain areas. One of the main things that I repeatedly suggested that he do concerning retaining training that Tommy provides, is to take good notes and refer back to them as needed. I feel confident that he now understands fully what is expected and how he needs to go about improving. I assured him that Tommy will be right there to help him with areas where he is weak. However, Leroy now understands that he is ultimately responsible for his performance, for his retention of knowledge. He is ultimately responsible for doing his best to at least meet standards required to earn the right to become a permanent employee in the Transportation Technologist classification at the end of the six month probationary period. I told Leroy that his "mid appraisal" (three months) was approaching in about a month and that we would reassess at that time. I told him that we would be meeting often if Tommy did not report vast improvements in all areas. He said he understood. I assured Leroy that it is our desire to see him improve and we will try our best to help him do that.

NOTE: As noted above, I am recommending to Tommy to delay submitting the written reprimand pertaining to tardiness until he makes the drive directly from Montgomery to Tuscaloosa. He is to leave at 5:00 a.m. sharp and be very conscious to drive the speed limit at all times and note the time it takes to make the trip. If the time is more than the allotted two hours, then the reprimand will be rescinded. If the drive proves to fall within the two hours, then the reprimand will become an official disciplinary action on Leroy Williams. Leroy had been explained this during the counseling session and he agreed to this approach.

  
Joe E. Jones, Asst. Location Engineer, Field

Witness:

  
Thomas L. Lewis, Party Chief

Cc: Mr. Don Arkle  
Mr. William Adams  
Mr. Thomas Lewis



## ALABAMA DEPARTMENT OF TRANSPORTATION

*Design Bureau*

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Bob Riley  
Governor

Joe McInnes  
Transportation Director

August, 11 2005

### MEMORANDUM

ATTACHMENT  
E

To: Leroy Williams  
Transportation Technician  
Field Supervisor

From: Thomas W. Lewis  
Transportation Technician  
Chief of Party

RE: Reprimand for Insubordination

Mr. Williams, on Thursday morning August 11<sup>th</sup> 2005, I was reviewing the work the crew had done in the field on Wednesday August 10<sup>th</sup> 2005. I was very concerned when I found so little progress had been made in the field that day. As you know, this project is a high priority job and its deadline is fast approaching. The completion of this project, on time, is a must and we must do what we can to prevent any unnecessary delays.

While in the process of reviewing the raw data file, I found that it was 9:19 a.m. before the first setup was made that morning. I also found that only three cross sections were taken from 9:19 a.m. to 11:15 a.m. (that is allowing 20 minutes to take the last 6 shots in the file.) The file shows that only 1 hour 45 minutes was spent collecting field data from 7:00 a.m. to 11:15 a.m. (that is allowing 20 minutes to take the last 6 shots in the file.) I decided to take a look at the area in question again to see if I could determine the cause of the delay. I was very concerned with what I found. The area in question had break lines that had not been shot and large areas that were not covered densely enough to correctly show the contours. This is when I came to you to discuss this matter. I called you aside to show you the break lines that



needed to be shot. I walked you around the ridge and showed you the toes that need to be shot. I explained that as an alternative of working off the centerline points, you could have set one remote to cover the majority of the area in question, saving valuable time.

I also talked to you about time management. I explained that if you stop at a store on the way out to the job site, you just took your morning break. I asked you about your lunch hour. You explained that your lunch hour began when you got to the truck and ended when you got back out of the truck. I then explained that this was not correct. Lunch started when you finished in the field. The walk out of the woods was part of your lunch hour. At this point you began to question my interpretation of the lunch hour. I explained that this was set down by the department, not me. You then began to become argumentative. You told me I was just being picky and I was just looking for something to harass you about. You then told me if I didn't have anything else to say you were going back to work. You turned and started to walk away. I told you not to walk away that I was not finished. You then told me "if you are going to talk to me I'm going to sit down and then you can talk." I started to explain that the progress made on Wednesday was unacceptable. Then you jumped up and started saying I was harassing you and not letting you do your job and you were going to have to talk to someone about it. You told me you were working hard and doing a good job. You also told me you could not work like this. You again started to walk away I told you "Leroy, if you walk away I am going to write you up for insubordination. Do you understand?" But you walked away with out me having the opportunity to explain why it was unacceptable.

It is very discouraging to see a supervisor on probation have so little respect for his supervisor, that he walk away when there is clear concern about the progress of the project. The loss of any time on this project is detrimental to the deadline being met. I have tried to impress the importance of time management and accuracy on this project. I have spent time with you trying to share my experience and knowledge with little results. I have explained rules that you question. I have spent time in the field with you trying to show you the most efficient way to produce highly accurate maps. But, the product you turn in on a daily basis consistently has errors, and is lacking in quantity.

The only reason I can find for this is, mismanagement of your time, and inability to lead your people properly. This does not only affect you, but it reflects upon the entire crew. Your work performance does not reflect the

experience that you have indicated or the experience you suggest you have acquired while working with other crews in the Location Section.

Mr. Williams, it is with regret that it has come down to reprimanding you for insubordination, but you walking away from me or any other supervisor when there are such critical issues to confront and discuss is unacceptable and will not be tolerated. This being the second reprimand in the past month along with you still on probation is very disturbing. It shows a pattern of disregard for your job. As a supervisor, it is your job to set an example for your subordinates; this is not setting a good example. You have to realize this will not be allowed to continue.

In this situation I am at a loss at what punishment to suggest. The severity of your actions could have more than one form of punishment. You could receive this letter of reprimand; receive the letter of reprimand plus a suspension, demotion, or dismissal, on the first offence of insubordination.

At the least, this letter will go into your personnel records and an additional 7 points will be subtracted from your next performance appraisal. I would like to suggest at the least, a suspension be imposed, but I would like my supervisor to review this matter and ask him for a recommendation. Again, I regret having to reprimand any employee, but your actions as a supervisor, warrant strong disciplinary action.



Thomas W. Lewis  
Transportation Technician  
Chief of Party

Cc: William Adams  
Joe E. Jones  
Location file



Bob Riley  
Governor

## ALABAMA DEPARTMENT OF TRANSPORTATION

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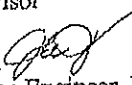
J.D. McInnes  
Transportation Director

August 4, 2005

### MEMORANDUM

ATTACHMENT  
F

To: Leroy Williams  
Field Supervisor

From: Joe E. Jones,   
Asst. Location Engineer, Field

Re: Drive Time from Montgomery Office to Lewis Crew Tuscaloosa Field Office

Purpose: Verify drive time related to Leroy Williams Written Reprimand

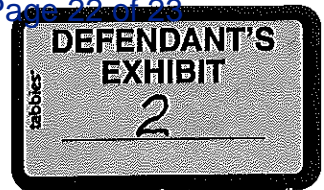
In my counseling session with you dated July 28, 2005, I discussed with you the written reprimand given you by Mr. Thomas Lewis, Party Chief. Mr. Lewis, your immediate supervisor had instigated the reprimand due to excessive tardiness. The fourth tardy involved you arriving late on a Monday morning after driving from Montgomery to Tuscaloosa. You stated that it took 2 hours and 25 minutes to make the drive which would make the reporting time 7:25 a.m. I directed Mr. Lewis to make this drive himself, under the same conditions you described (time and speed limit) and report back to me. If the drive proved to be more than the allotted 2 hours, I would instruct Mr. Lewis to rescind the reprimand. However, if the drive proved to be within the allotted 2 hours, the reprimand would stand. Below is the result of the drive made by Mr. Lewis:

On August 2, 2005, Tommy drove from the Montgomery office to his Tuscaloosa office. He left promptly at 5:00 a.m. and was consciously driving the posted speed limit on the different roads along the route. Tommy noted his trip as follows:

"I left Montgomery this morning at 5:00 a.m. stopped one time at the rest area for about 5 minutes and arrived here at the office in Tuscaloosa at 6:55 a.m. This was driving the speed limit all the way. I set the cruise at 55 mph when I got just north of Prattville and when I hit the 4 lane in Centerville I set it at 65 mph. The total distance is 106.5 miles from Office to Office. This is an average speed of 55.55 mph. In no way did I exceed the speed limit."

Based on this driving time test and his report, I am now advising Mr. Lewis to proceed with the written reprimand by submitting it as an official disciplinary action on tardiness. You have already been counseled by Mr. Lewis on this matter and advised of the charge. I have advised you, as noted in my counseling report, about the consequences of being tardy and went over the rules pertaining to the matter. I also advised you that this would affect your grade sheet because it would cause a seven point deduction in your upcoming grade on your Employee Performance Appraisal.

Cc: Mr. Don Arkle  
Mr. William Adams  
Mr. Thomas Lewis



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Bob Riley  
Governor

Joe McInnes  
Transportation Director

August 22, 2005

### MEMORANDUM

TO: Mr. Ron Green  
ALDOT Personnel Director

FROM: Don T. Arkle   
Design Bureau Chief

RE: Probationary Employee  
Leroy Williams, Transp. Tech.  
423-80-8026

This is a request to terminate a probationary employee's appointment. Mr. Leroy Williams was appointed to the classification of Transportation Technologist on May 14, 2005. Since that time he has been reprimanded for excessive tardiness and insubordination. The attached documentation explains in great detail the events that led up to this request.

It would be appreciated if this action can be taken as quickly as possible and Mr. Williams returned to his previous Engineering Assistant II/III classification.

If you have questions or need additional information, please let me know.

DTA/cj





## ALABAMA DEPARTMENT OF TRANSPORTATION

1409 Coliseum Boulevard, Montgomery, Alabama 36110  
P.O. Box 303050, Montgomery, Alabama 36130-3050



Bob Riley  
Governor

Joe McInnes  
Transportation Director

September 1, 2005

Mr. Leroy Williams  
Alabama Department of Transportation  
Design Bureau  
1409 Coliseum Blvd.  
Montgomery, AL 36110

Re: Transportation Technologist Appointment

Dear Mr. Williams:

This is to inform you that your appointment in the Transportation Technologist classification that was effective May 14, 2005, has been terminated as of September 3, 2005. You will revert back to your Engineering Assistant II/III position in the Roadway Design Section of the Design Bureau and should report to Adenrele Odutola at 8 a.m. on Tuesday, September 6, 2005. Your salary will also be reduced to the rate you were making at the time of the appointment (\$966.20 plus the 6% cost of living increase).

This action is being taken because of your continual excessive tardiness and repeated insubordination. You were given numerous warnings and two written reprimands all with no noted improvement in your behavior.

As you know, any new appointment carries a six-month probationary period before it becomes permanent. At this time you are just over three months into that test period. For the above reasons it has been determined that you have not satisfactorily performed and/or responded to our efforts to correct your behavior. Therefore, this appointment should be terminated at this point.

We regret that this action is necessary, but trust that you will use it for the betterment of your career.

Sincerely,

A handwritten signature in black ink, appearing to read "Don T. Arkle".

Don T. Arkle  
Design Bureau Chief

DTA  
cc: Mr. William Adams  
Mr. Joe Jones  
Mr. Ron Green  
State Personnel

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>LEROY WILLIAMS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>2:06-cv-658-ID</b>
	)	
<b>STATE OF ALABAMA DEPARTMENT OF TRANSPORTATION and JOE McINNES, in his official capacity as Director of the State of Alabama Department of Transportation</b>	)	
	)	
<b>Defendants.</b>	)	

**AFFIDAVIT OF WILLIAM F. ADAMS**

Before me, the undersigned notary public in and for the State of Alabama at Large, this day personally appeared William F. Adams, who being known to me and being by me first duly sworn, deposes and says on oath as follows:

My name is William F. Adams, I am a resident citizen of the State of Alabama and am over the age of nineteen (19) years.

I am presently an employee of the Alabama Department of Transportation (ALDOT) and was so employed at all times relevant to this lawsuit. At times relevant to this lawsuit I was assigned to the Design Bureau as the Location Engineer.

On, to-wit, August 15, 2005, I received a memorandum from Assistant Location Engineer Joe E. Jones concerning probationary employee Leroy Williams. The memorandum from Mr. Jones cited a number of issues concerning Mr. Williams' performance during the probationary period, including tardiness, lack of knowledge of job skills, poor time management, failure to follow rules, and insubordination toward his supervisor. Mr. Jones recommended that Mr.

Williams' not be allowed to continue in the Transportation Technologist classification. See Exhibit 1.

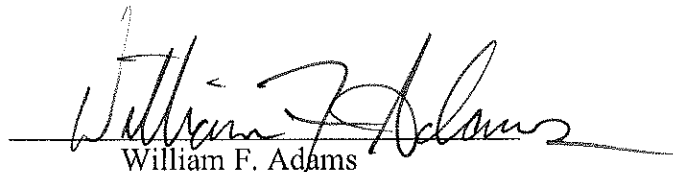
I reviewed Mr. Jones' memorandum and attachments and was of the opinion that, based upon Mr. Williams' poor performance and conduct during the first three months' of his probationary period, his probationary period as Transportation Technologist should be terminated and that he should be reassigned to his former classification of Engineering Assistant II/III (EAII/III) in the Design Section.

On August 19, 2005 I sent a memorandum to Don T. Arkle, Design Bureau Chief, in which I recommended that Mr. Williams' probation be ended and that he be reassigned to his former classification as EA II/III. Mr. Arkle concurred with my recommendation as evidenced by his signature on the memorandum dated August 19, 2005. See Exhibit 2.

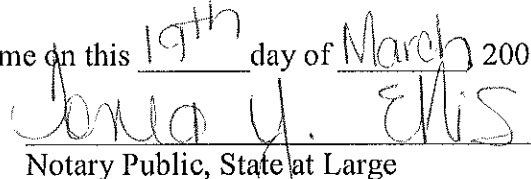
It is my understanding that Mr. Williams complains that he was retaliated against for having filed a grievance complaining about having been discriminated against by his supervisor during the probationary period. I have no knowledge of any grievance filed by Mr. Williams concerning this matter.

FURTHER THE AFFIANT SAITH NOT.

I signed this affidavit on 3/19, 2007 in Montgomery, Alabama.

  
William F. Adams

SWORN TO AND SUBSCRIBED before me on this 19<sup>th</sup> day of March, 2007.

  
Notary Public, State at Large

My Commission Expires: 2/1/08



Bob Riley  
Governor

## ALABAMA DEPARTMENT OF TRANSPORTATION

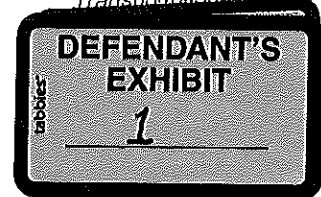
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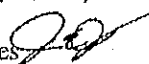
J.D. McInnes  
Transportation Director

August 15, 2005



### MEMORANDUM

To: William F. Adams, Location Engineer

From: Joe B. Jones   
Asst. Location Engineer, Field

Re: Recommendation of Discipline

Leroy Williams, Transportation Technologist (Probationary Employee)  
Field Supervisor  
SECOND REPRIMAND by SUPERVISOR  
Charge: Insubordination

On August 11, 2005, Leroy Williams and Thomas Lewis met with me in my office to discuss the above referenced. I will refer to Mr. Williams as Leroy and Mr. Lewis as Tommy.

Tommy had called me from the field on the morning of August 11, 2005 to inform me that he was about to charge Leroy with insubordination. He briefly explained the situation to me. I then instructed him to bring Leroy with him and meet with me at 3:00 p.m.

Please see the attached written reprimand for details that led up to this disciplinary action. Generally, the insubordination charge was made because Leroy angrily walked off from Tommy during a meeting where Tommy was counseling/instructing Leroy on work matters. Tommy warned Leroy twice not to walk away and even warned him the second time that if he did, he would be charged with insubordination. Leroy walked away anyway.

During the meeting in my office, Leroy confirmed that he did walk away. However, Leroy said he did so only because Tommy was being demeaning and "talking down to him". Tommy denies this. I advised Leroy that a subordinate never terminates a meeting that a supervisor has called or disregards a directive unless it is unlawful or is dangerous. I also advised him that he should have finished listening to the supervisor, done what he asked, and then file a report/complaint as to the demeaning treatment that he said he received. I advised him that the reaction from him was unacceptable and shows a blatant disregard for the supervisor's authority to the point of insubordination.

At one point in our meeting, Leroy said that Tommy is "constantly" harassing him and "will not let him do his job". According to Tommy, he has never harassed Leroy but has indeed corrected him, trained him, and advised him of the rules and how they are to be followed. Tommy says that Leroy is defensive and has become more and more argumentative when he tries to instruct/train him. Tommy said that Leroy has threatened to "get a lawyer" during one of their sessions.

When I asked Leroy if he was accurate when he said, "Tommy constantly harasses and demeans me ALL the time", he said he was accurate. Leroy even said that ALL of the crew members had asked him, "...why does Tommy harass you like this ALL the time?" I asked Leroy was he sure that ALL members had asked him this and he said yes. I instructed Tommy to have a meeting with his crew as soon as possible and see if this accusation was accurate. Tommy said he would and would make a full report. On this date, Tommy had that meeting, with Leroy present, and has advised me that NONE of the personnel confirmed they had ever witnessed his harassing or demeaning Leroy. Please see the attached report on the meeting.

According to Tommy, Leroy is not handling the responsibilities of Field Supervisor well at all (see counseling session on July 28, 2005). This includes things like: he is not knowledgeable enough to handle the technical issues; not doing well at supervising his personnel; not managing time well; not following established rules concerning tardiness and lunch/break times; not retaining instructions/knowledge that Tommy is offering him. As a result, he reports that progress is being severely hampered. Tommy reports that the field operations are severely lacking in production and that even the minimal data being collected is often faulty because Leroy is not following procedures laid down by Tommy. In addition, field operations are lagging because Leroy is not managing time well at all.

For example, Tommy said that on August 11 one of the things (just prior to the insubordination) he was attempting to counsel Leroy on was his use of work time and making sure that the work effort was being maximized. Tommy said Leroy was defensive and said he was working hard. Tommy was trying to relate some times that were recorded in the Total Station that showed the work history on certain dates. Leroy stated that he didn't know what the clock on the instrument showed but that he was getting to work in the field in a timely manner. However, Tommy has presented documents (see attached) that show a history of the FIRST "setup" recorded in the instrument for several days. Those times are compared to another crew which is working out of the same office, doing similar work on the same project within a 1/4 mile of each other. The document shows that the other crew consistently had a recorded setup time of roughly an hour BEFORE Leroy's crew did each morning. The document seems to exhibit a pattern of Leroy NOT getting to the job site in a timely manner. Tommy advised me that Leroy doesn't agree with the exhibit. Tommy has assured me that he checked the clock on the instrument and it is accurate.

#### Summary:

Leroy is a probationary employee in the classification of Transportation Technologist and is performing that probationary period in the job title of Field Supervisor. He is roughly at the three-month point in the period. Leroy has several years experience in Location Surveying, including experience as a Data Editor within a crew. Because of this experience and the training/classes Leroy has taken advantage of, I expected him to be a much more effective Field Supervisor. This is not proving to be the case. Tommy is a Party Chief with many, many years of Location Surveying experience. I have confidence in his knowledge and skills in Location Surveying because he was a successful Field Supervisor for all those years. Based on those years of experience, Tommy is attempting to help Leroy develop good technical skills along with good procedures to maximize efforts in the field. In essence, here is a successful and experienced supervisor attempting to train, advise, and counsel a subordinate who is a probationary employee in training. At the same time, he is attempting to cause Leroy to focus more on the responsibility of setting a good example for HIS subordinates by following all rules and regulations.

Leroy was not expected to "be up and running" since he is in a probationary period. However, he was expected to perform well in the technical areas and expected to stay open to critique and instruction by the Party Chief in those areas where he is weakest. Once he receives this critique/instruction, I would expect him to note it and react to it by conforming and by following those instructions. It seems, though, that Leroy takes offence to Tommy's critique and to his tutoring. It is apparent that Leroy interprets this as harassment. It seems to me that Leroy should concentrate more on being more receptive to learning all he can from Tommy's vast experience as a Location Surveyor (including all aspects of the job), as a long time Field Supervisor, and now as a Party Chief. Being argumentative and defensive when his supervisor is trying to counsel and train him is counterproductive and uncalled for. For some reason, Leroy seems to think that Tommy is being harassing when, according to Tommy, he is only trying to help Leroy learn how



to do the job in an accurate and timely manner with minimal effort. This seems like a reasonable approach to me.

Leroy has broken the rules pertaining to tardiness for which he received a written reprimand. Now, he has received a written reprimand for insubordination; all within the first three months of his probationary period. It seems that Leroy is resisting all supervision by Tommy and is ignoring the rules in place for things such as those for tardiness and other rules. According to Tommy, Leroy even was argumentative about the lunch hour and how it is to be handled. All of this is unacceptable for ANY employee of any job title but is surely not acceptable from a supervisor who needs to be setting the example for his subordinates. All other personnel are held to the same standards of following rules and for being cooperative. I see no reason for Leroy to be the exception. The rules and regulations set forth by State Personnel, ALDOT, and the Location Section seem to be fair to me. I don't consider the rules unreasonable and see no reason any employee would have trouble following them.

It is now my conclusion that Leroy has not represented himself well in his job title of Field Supervisor. However, his performance is fairly secondary to his seemingly hostile attitude of assuming a supervisor is being harassing when they are giving instructions and directives. Usually, this type attitude might be expected from a new employee who is making an adjustment to our rules and regulations and to our work habits at the ALDOT. Leroy, however, has worked several years in our survey crews and should be well aware of our rules and regulations. To be argumentative and insubordinate to his supervisor is just not acceptable. This attitude along with his weak job performance is, according to Tommy, causing a serious lack of progress on a job that has a very important timeline to be met. The evidence attached concerning the "late morning" setups recorded in the instrument and then the unsatisfactory response to Tommy's instructions seem to bear Tommy's feelings out. The reprimands for tardiness and for insubordination seem to make a case that this employee is not meeting standards at this point.

Tommy says in his written reprimand that he is not sure how severe the punishment should be. However, he says that he would recommend at least a suspension. I concur in that a suspension should be the minimum disciplinary result. I would suggest, however, that serious consideration be given to other choices. Since Leroy is a probationary employee and is being judged on his job performance, on his abilities to follow directives, and on his sense of cooperation, his successes and failures are magnified even more. It is during this time that the Department is depending on supervisors to judge whether or not a probationary employee meets or does not meet standards. It is then the supervisor(s) who should make a judgment based on good information and evidence, and then present a recommendation that is beneficial and reasonable to the Department.

Thus, it is my recommendation that Leroy not be allowed to continue in the Transportation Technologist classification. The reports given to me by his supervisor, Tommy Lewis, show that he is proving less than desirable as a Field Supervisor for which he was hired. If Leroy is unwilling to react positively to discipline, training, corrective counseling, or warnings, then his tenure in this probationary period should be stopped now.



## ALABAMA DEPARTMENT OF TRANSPORTATION

*Design Bureau*

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Bob Riley  
Governor

Joe McInnes  
Transportation Director

August, 11 2005

ATTACHMENT  
A

### MEMORANDUM

To: Leroy Williams  
Transportation Technician  
Field Supervisor

From: Thomas W. Lewis  
Transportation Technician  
Chief of Party

RE: Reprimand for Insubordination

Mr. Williams, on Thursday morning August 11<sup>th</sup> 2005, I was reviewing the work the crew had done in the field on Wednesday August 10<sup>th</sup> 2005. I was very concerned when I found so little progress had been made in the field that day. As you know, this project is a high priority job and its deadline is fast approaching. The completion of this project, on time, is a must and we must do what we can to prevent any unnecessary delays.

While in the process of reviewing the raw data file, I found that it was 9:19 a.m. before the first setup was made that morning. I also found that only three cross sections were taken from 9:19 a.m. to 11:15 a.m. (that is allowing 20 minutes to take the last 6 shots in the file.) The file shows that only 1 hour 45 minutes was spent collecting field data from 7:00 a.m. to 11:15 a.m. (that is allowing 20 minutes to take the last 6 shots in the file.) I decided to take a look at the area in question again to see if I could determine the cause of the delay. I was very concerned with what I found. The area in question had break lines that had not been shot and large areas that were not covered densely enough to correctly show the contours. This is when I came to you to discuss this matter. I called you aside to show you the break lines that

needed to be shot. I walked you around the ridge and showed you the toes that need to be shot. I explained that as an alternative of working off the centerline points, you could have set one remote to cover the majority of the area in question, saving valuable time.

I also talked to you about time management. I explained that if you stop at a store on the way out to the job site, you just took your morning break. I asked you about your lunch hour. You explained that your lunch hour began when you got to the truck and ended when you got back out of the truck. I then explained that this was not correct. Lunch started when you finished in the field. The walk out of the woods was part of your lunch hour. At this point you began to question my interpretation of the lunch hour. I explained that this was set down by the department, not me. You then began to become argumentative. You told me I was just being picky and I was just looking for something to harass you about. You then told me if I didn't have anything else to say you were going back to work. You turned and started to walk away. I told you not to walk away that I was not finished. You then told me "if you are going to talk to me I'm going to sit down and then you can talk." I started to explain that the progress made on Wednesday was unacceptable. Then you jumped up and started saying I was harassing you and not letting you do your job and you were going to have to talk to someone about it. You told me you were working hard and doing a good job. You also told me you could not work like this. You again started to walk away I told you "Leroy, if you walk away I am going to write you up for insubordination. Do you understand?" But you walked away with out me having the opportunity to explain why it was unacceptable.

It is very discouraging to see a supervisor on probation have so little respect for his supervisor, that he walk away when there is clear concern about the progress of the project. The loss of any time on this project is detrimental to the deadline being met. I have tried to impress the importance of time management and accuracy on this project. I have spent time with you trying to share my experience and knowledge with little results. I have explained rules that you question. I have spent time in the field with you trying to show you the most efficient way to produce highly accurate maps. But, the product you turn in on a daily basis consistently has errors, and is lacking in quantity.

The only reason I can find for this is, mismanagement of your time, and inability to lead your people properly. This does not only affect you, but it reflects upon the entire crew. Your work performance does not reflect the

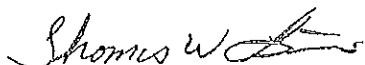


experience that you have indicated or the experience you suggest you have acquired while working with other crews in the Location Section.

Mr. Williams, it is with regret that it has come down to reprimanding you for insubordination, but you walking away from me or any other supervisor when there are such critical issues to confront and discuss is unacceptable and will not be tolerated. This being the second reprimand in the past month along with you still on probation is very disturbing. It shows a pattern of disregard for your job. As a supervisor, it is your job to set an example for your subordinates; this is not setting a good example. You have to realize this will not be allowed to continue.

In this situation I am at a loss at what punishment to suggest. The severity of your actions could have more than one form of punishment. You could receive this letter of reprimand; receive the letter of reprimand plus a suspension, demotion, or dismissal, on the first offence of insubordination.

At the least, this letter will go into your personnel records and an additional 7 points will be subtracted from your next performance appraisal. I would like to suggest at the least, a suspension be imposed, but I would like my supervisor to review this matter and ask him for a recommendation. Again, I regret having to reprimand any employee, but your actions as a supervisor, warrant strong disciplinary action.



Thomas W. Lewis  
Transportation Technician  
Chief of Party

Cc: William Adams  
Joe E. Jones  
Location file



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ATTACHMENT  
B


Bob Riley  
Governor

J.D. McInnes  
Transportation Director

August 4, 2005

### MEMORANDUM

To: Leroy Williams  
Field Supervisor

From: Joe E. Jones,   
Asst. Location Engineer, Field

Re: Drive Time from Montgomery Office to Lewis Crew Tuscaloosa Field Office

Purpose: Verify drive time related to Leroy Williams Written Reprimand

In my counseling session with you dated July 28, 2005, I discussed with you the written reprimand given you by Mr. Thomas Lewis, Party Chief. Mr. Lewis, your immediate supervisor had instigated the reprimand due to excessive tardiness. The fourth tardy involved you arriving late on a Monday morning after driving from Montgomery to Tuscaloosa. You stated that it took 2 hours and 25 minutes to make the drive which would make the reporting time 7:25 a.m. I directed Mr. Lewis to make this drive himself, under the same conditions you described (time and speed limit) and report back to me. If the drive proved to be more than the allotted 2 hours, I would instruct Mr. Lewis to rescind the reprimand. However, if the drive proved to be within the allotted 2 hours, the reprimand would stand. Below is the result of the drive made by Mr. Lewis:

On August 2, 2005, Tommy drove from the Montgomery office to his Tuscaloosa office. He left promptly at 5:00 a.m. and was consciously driving the posted speed limit on the different roads along the route. Tommy noted his trip as follows:

"I left Montgomery this morning at 5:00 a.m. stopped one time at the rest area for about 5 minutes and arrived here at the office in Tuscaloosa at 6:55 a.m. This was driving the speed limit all the way. I set the cruise at 55 mph when I got just north of Prattville and when I hit the 4 lane in Centerville I set it at 65 mph. The total distance is 106.5 miles from Office to Office. This is an average speed of 55.55 mph. In no way did I exceed the speed limit."

Based on this driving time test and his report, I am now advising Mr. Lewis to proceed with the written reprimand by submitting it as an official disciplinary action on tardiness. You have already been counseled by Mr. Lewis on this matter and advised of the charge. I have advised you, as noted in my counseling report, about the consequences of being tardy and went over the rules pertaining to the matter. I also advised you that this would affect your grade sheet because it would cause a seven point deduction in your upcoming grade on your Employee Performance Appraisal.

Cc: Mr. Don Arkle  
Mr. William Adams  
Mr. Thomas Lewis

Mr. Leroy Williams  
Work Performance  
Counseling Session  
July 28, 2005



A. Not Following directions

1 May 16<sup>th</sup>, 2005, the first day you reported to this office we all sat down and discussed that you, as a supervisor, do not have the authority to let people off with out my approval. We also discussed work times, and the importance of not being late.

a. Work Times

1. On May 16<sup>th</sup>, we discussed what the work times were:  
5:00 a.m. to 5:00 p.m. Monday  
7:00 a.m. to 5:00 p.m. Tuesday and Wednesday  
7:00 a.m. to 7:00 p.m. Thursday.

b. May 24<sup>th</sup> I took you out and showed you the new project and what work we need to do. I explained when working around the Interchanges you should not set radial points with out checking them for accuracy. When we started checking our files an err was found. After going back checking I realized that you had set radial points to work off of. I told you go run a closure loop on the points, not once but twice before you did it the way I had told you to

- c. Tuesday, May 31<sup>st</sup> you came into the parking lot in Montgomery 5 minutes late. On this same date, I instructed you to meet with me in the parking lot of the motel at 7 a.m.
- d. Wednesday, June 1<sup>st</sup> you were not at the motel parking lot, where I had instructed you to be the day before. You took this upon yourself not to follow my instructions and you did not notify me of this. You informed Rodney instead of your supervisor. I do not know where you were, so as far as I'm concerned you were late that day also.
- e. Thursday, ~~July 28, 2005~~<sup>June 30</sup> you let everyone go at 1:00 p.m. with out my approval, then you told me you let them go at 2:00 p.m. This is insubordination.

written by  
T. LewisB. Checking your work

I have told you time and time again time again about checking your field work. It's the only way you can be efficient. All of this could still fall under not following directives

1. On May 17<sup>th</sup>, I found out you had had a problem the day before. I told you needed to be checking your work to keep things like that from happening.
2. June 15<sup>th</sup>, I had to tell you to check your work again to see if you had the sufficient information that was needed to cover the area in question.. I explained to you that all you had to do was load the information that you had gathered and see if it covered the area properly.
3. July 19<sup>th</sup>, once again I had to tell you to check your work after running some 3,000 ft of traverse without checking a previously established point. I explained that all you have to do is load one of the previously established coordinates and stake it out to find a point and see how much you have missed it. I have provided you with a laptop to keep in the truck to do this with. You have the files on the computer with this information. This is a tool that you need to use. Even as I was telling you this, you were telling me the information you were gathering was good "it looks good when I downloaded it. It must be good. After I made you go back and check the traverse what did you find? You found you had over a 1 foot err. Now you have spent almost 2 days trying to find the err. This is time wasted.

C. Working Skills

## g. Computer Skills

1. May 16<sup>th</sup>, the day that you first started on this job, I asked you what kind of experience you had with the computer. You stated that you had been a data editor and you knew a good bit about terra model.
2. July 6<sup>th</sup>, I had to give you a lesson on how to draw a line in terra Model and how to draw points by station offset. I have also had to show you how to load image files into model. These are basic skills in model that one of your standing should already know.
3. Monday, July 18<sup>th</sup> I had to show you how to write out a points file in a station offset format, but yet you told me that you were a data editor and you knew a good bit about the program.
4. July 27<sup>th</sup>, I had to explain how to draw an alignment up on the computer. This is the same thing I had to show you back on July 6<sup>th</sup>. How to draw a line. The problem I saw on this day was. You had the information to draw the alignment with, but you did not know how to retrieve the information. The Terrainmodel file you

written by  
T. Lewis

had open had a layer *Isolated* hiding all other layers with the information you were looking for. Evening after working with this file many times you did not recognize the information you had worked with in the past was not showing up.

h. Math skills

- ✓ 1. On June 2<sup>nd</sup>, I had to show you how to add and subtract angles. I also had to show you how to convert a bearing to an azimuth. I actually had to draw you a diagram to show you how to do this.

i. Managing you workers

- ✓ 1. You have come to me and said the reason you don't get as much work done as I think you should is because of the people you supervise. You say that they don't know what to do. You said to me that the men should know they need to cut the stub down low, so you think you don't have to tell them to do this. I tell you its not that they don't know this, it's that they are not going to do it unless you tell them to. It is easier to cut them up high. If you can't the worker's that you supervise to get the job done, then you are not doing your job as a supervisor. You can't take this personally it's a job and it has to be done correctly. It is your job to tell them to cut the stub down low. Don't assume that they should already know to do this. At some point you have to let these people know you mean business.

j. Training your workers

- ✓ 1. I have been confronted by one of your subordinates that they can't go to you and ask how to do something. They say that you want take the time to explain it to them where they can understand it. Now this employee has to go to some one else to learn the task. There again training employees is a skill you have to have in order to be a supervisor.

I. Prejudges

- a. Accusing me of being prejudices will not be tolerated.
- b. Nothing I have said to you has been in a prejudice manner.
- c. We all must learn to communicate in a professional manner and that is the way I was speaking to you.
- e. When you are a supervisor, you must learn how to speak to your employees and your employers, especially those that are over you. You are to treat your superiors just as what they are, supervisor.

written by:  
T. Lewis

- f. Telling me the reason we are in a racial lawsuit is because we did not train employees is not an appropriate way to talk to your superior and it will not be tolerated.

II. Transfers

- a. There will be no transfers from the crew you are with now, at least not for the reason that you gave me earlier.
- b. Just because you think I'm being too hard on you is not reason enough to be asking for a transfer.

Summary

It has become an every day thing. I have to show you how to do some minor task in Terramoldel, how to run a closure loop, how to set up files to work with. I am spending so much time trying to train you to do your job, I have to work late just to complete my work. I could understand spending this much time training a new Supervisor that had no experience in surveying. But you have been exposed to so much information in the past working with the Location Section along with the other Sections. I can not understand why you have not learned these skills in the past.

In the interview with Mr. Jones, you told him you had the skills to be a supervisor. When you came out to the field you told me you had the skills to be a supervisor. Now, you are being held responsible for your work as a supervisor and you want to tell me you were not trained in the skills you need to be a supervisor. I know the people you worked under as a rodman, instrument operator, and data editor. I don't think it was that you weren't taught these skills, and I don't think you took it upon yourself to learn the skills that you were exposed to. In the event of this, now you are blaming every one else for your lack of skills. That to me, is not an excuse. If you want to continue being a supervisor you must improve your skill. There is a big gap between where you are now and where you need to be between now and the end of your probation. If you don't improve as much as need to your probation could be extended or you could be released. I want you to understand this is a serious matter and one you need to work hard on. I will work with you as much as I can to help you improve your skills but in the end it's up to you to learn and show me you can be a supervisor.





Bob Riley  
Governor

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J.D. McInnes  
Transportation Director

July 28, 2005

### MEMORANDUM

ATTACHMENT  
D

#### Counseling Session

Leroy Williams, Transportation Technologist  
Field Supervisor

Re: Probationary Performance Concerns

On this date, a counseling session was held with Leroy Williams, referenced above. Also present was Mr. Thomas Lewis, Party Chief, who is Leroy's immediate supervisor. My concerns involved several areas that were well documented by Mr. Lewis (see attached). I felt it necessary to immediately discuss those concerns with Leroy so that he could concentrate on improving in those areas. I will refer to Mr. Williams as Leroy and Mr. Lewis as Tommy.

Leroy was promoted to Transportation Tech as a Field Supervisor and reported to Tommy on May 16, 2005. Leroy is presently being assessed during his six month probationary period and is now at his second month in the classification/job. Tommy has been keeping me informed on Leroy's progress or lack thereof. After two months, it has become obvious to me that Leroy is lacking in many areas as a Field Supervisor and this has me concerned. The following is a summation of the meeting and of the notes used for the session:

#### Working Skills

Leroy shows a definite weakness in math skills as related to surveying. For example, he was unable to calculate angles, azimuths until Tommy showed him how. Leroy told me he now knows how and can do them easily. My concern is that he writes all these things down as he is taught because he may forget. Since he has had high school geometry, three courses in geometry through the ALDOT, one course in trigonometry through the ALDOT, and several years in Location Surveying, I would have assumed that he would have garnered these skills necessary to do the job. I advised Leroy that he had to concentrate on improving these skills and that he should ask Tommy for hands on training. I also advised Leroy to take good notes and KEEP them to refer to so that he is not susceptible to losing the skill through a lack of good memory. We cannot have a crew standing around for an extended time because Leroy is spending too much time doing a calculation or is wasting time because Leroy doesn't know how to do a needed calculation.

He shows a lack of skills concerning checking his work in the field to ensure accuracy. Tommy had to instruct him several times about this and even to the point of demanding that he do the "checks". Leroy had been argumentative with Tommy concerning this directive which is unacceptable. There have been errors made that have caused a waste of time already because Leroy did not do as he was told. This is a common knowledge skill that Leroy should have learned through the years he has worked in a crew. I advised Leroy that he is being held responsible for doing the work accurately and timely....and for sure, to check his work if for no other reason than his supervisor told him to. I advised him to glean knowledge and

direction from Tommy on all work because Tommy has many years of experience as a Field Supervisor and is one who has a vast knowledge of Location Surveying procedures.

He shows a severe lack of skills in working with Terramodel. Even though this is not a highly required skill to be a good Field Supervisor, it is desirable. Since Leroy had been a Data Editor for over a year, I would have assumed that he had a pretty good working knowledge of Terramodel and could build basic alignments and/or retrieve data as needed. According to Tommy, this is not the case. Leroy had advised Tommy on his first day that he knew Terramodel and had a good understanding. Leroy noted on his resume and his application that he worked in the Data Editor job for a good while. I have advised Leroy to ask either Tommy or the Data Editor in the crew to show/teach him what he needs to know to work efficiently in the program....and to be able to find and retrieve data as needed without delaying the work process. I again advised making good notes and hanging on to them for reference in the future.

From discussions with Tommy over the last two months, I am concerned that Leroy does not have a really good grasp of what is required on a survey, even on a daily basis. Once again, Leroy should have accumulated enough knowledge and experience over his years in a survey crew to make him highly efficient and skilled and knowledgeable about what is needed to complete a survey. This is not the case according to the overall operations that Tommy has been reporting to me. Tommy says he is having to work late many nights just to catch up on his work because he is spending so much time teaching/showing Leroy how and what to do. Also, Tommy says he is spending too much time checking and correcting errors made in the field due to bad procedures. Again, Leroy told me in his interview that he was a better qualified candidate for the job because of his experience in Location Surveying AND because of the training that had been offered by the ALDOT. Leroy is not exhibiting the qualities that I expected from him because of his experience he talked about. I advised Leroy that the lack of knowledge pertaining to what is needed on a daily basis is a surprise to me after having interviewed him and having read his resume. I told him he needed to concentrate really hard on getting a better feel for what is required by asking questions and communicating closely with Tommy and the Data Editor. If he will do this, progress will not be hampered due to "floundering" caused by his ineptness. Once again, I advise Leroy to take good notes and then hang on to them for reference.

Leroy shows a lack of management skills in that he cannot effectively supervise his subordinates. Leroy stated to Tommy that he was not getting as much work done as he could "...because his people didn't know what to do." I told Leroy that correcting this problem was his job. As a field supervisor, and according to his form 40, one of his tasks is to train subordinates so the surveys are done efficiently and accurately and without delay. I advised Leroy that he must separate himself from the "worker" mentality and become more aggressive in the supervision and training aspect of the job. If the subordinate doesn't know what to do, then he must show him. If the subordinate doesn't perform well or is "dragging around" then he must approach that individual and square him away. One of the subordinates even complained to Tommy that they couldn't get Leroy to explain things to them. That subordinate then would have to ask somebody else how to do a certain chore. I advised Leroy to be focused on his subordinates' weaknesses and do all that he can to teach them. The very least Leroy should do is make sure that he communicates clearly to them what it is he wants them to do at any given time. After a while, they too will be expected to catch on and do their work without specific and continuous directives when performing redundant tasks.

#### **Doesn't Follow Directives**

This concerns me greatly. Tommy noted several directives that he had given Leroy at different times and that Leroy had ignored them or did not react to them. (see attachments). This is not acceptable. I informed Leroy that if Tommy gives a directive and it is not illegal or harmful, then he must do his best to do exactly what was told him. If he ignores or simply does not do what the supervisor asks or directs, then he actually is being insubordinate. I made sure Leroy understood that insubordination is one of those things that can cause termination on the FIRST offence. I asked Leroy if he would allow a subordinate to ignore or disobey a directive. He answered "No". He then seemed to understand that he should be then cooperative with Tommy and do as he directed EVERY time. I told Leroy that if he did not agree with the directive, not to ignore it, but go ahead and do it. THEN, while alone with Tommy, voice his suggestion that the task be done a different way. Tommy may not change his mind but then again, he might.



Example: Leroy said he did not hear one of the directives to meet at a motel on a particular morning (see attachment). Since ALL other crew members heard the directive, and even the man sitting beside Leroy heard the directive, it is a mystery to me how he did not hear it as well. It seems to me that Leroy simply wanted to do what HE wanted to do and ignored the directive. This is not acceptable. I advised Leroy that he must always be cooperative and do what he is told. Since he is the Field Supervisor, he must be the FIRST to set the example for the rest. I also told Leroy that it is his responsibility to be informed EVERY day as to matters such as this. It is a shame that all subordinates reported as instructed and Leroy, the Field Supervisor, did not.

#### Tardiness

We discussed all FOUR times Leroy has been noted as arriving for work late by Tommy. Leroy did not deny that he was late but only that he was not as late as Tommy had noted. I advised Leroy that the amount of time he is late is not the issue but, rather, the fact that he was late is the issue. First, his being the second in charge of a crew as a supervisor demands that he set the example by NEVER being late and certainly not being late often. I made sure he understood that work rules are to be adhered to without question. Being tardy is not acceptable and will be dealt with swiftly if a pattern develops...which in Leroy's case, the pattern has developed. Secondly, since every crew works as a "unit", it is imperative that all members be at work on time or the whole crew suffers.

Since Leroy had been warned THREE previous times about tardiness infractions, Tommy gave a written reprimand the fourth time when Leroy arrived at the office late on Monday morning (see attached reprimand for details). However, because Leroy stated that the allotted drive time from Montgomery to Tuscaloosa is not a reasonable drive time, I have asked Tommy to withhold the reprimand UNTIL he personally makes the drive himself under the same conditions that Leroy made. Leroy says the drive takes 2 hours and 25 minutes if you drive the speed limit. The difference in the drive time allowed and what Leroy says it takes is roughly 25 minutes. The allotted time is two hours but Tommy tells me the crew is always there on Mondays around 6:40 to 6:50 a.m. If this is true, then according to Leroy, the crew has to be driving at a high rate of speed and this is not acceptable. If Tommy proves the drive to be less than two hours under the same conditions that Leroy describes, then the reprimand stands. If the drive is proven to take more than two hours, then I recommended to Tommy that he rescind the reprimand. HOWEVER, I advised Leroy that the first three warnings will remain on record and that the next infraction of tardiness WILL RESULT in a reprimand. He said he understood and seemed to have no problem with that approach.

What causes concern for me is that this "two hour" drive time has been in place for MORE than a year now and was put in place by the previous Party Chief, Joe King. Not one time has any individual in that crew ever mentioned that the drive time was not long enough. We will assess this carefully as Leroy's career could be adversely affected if the two-hour drive time is accurate. A reprimand is not given lightly because it is such a negative on one's grade sheet. An addendum will be inserted below on the results of the drive/test that Tommy has been instructed to do.

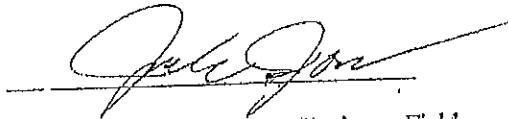
Within this entire subject is an included fact that Leroy was driving his personal vehicle those times he was late. I made sure he understood that if he chooses to drive his private vehicle (we furnish transportation in the Carryall), then he is obligated to arrive at the allotted time and for sure BEFORE the carryall. He said he understood. I also advised him that his privilege of driving his private vehicle could be revoked if he persisted in being late while driving his own vehicle. By his traveling in the Carryall, we can assure that he will arrive on time and his problem will be should be solved.

I warned Leroy that arriving at the parking lot on Mondays at 5:00 a.m. is mandatory and is not debatable. If a person arrives later than 5:00 a.m., then he is late. If the time for arrival at the Field Office is set at 7:00 a.m. by the Party Chief, and it is an accurate allotment, then if one arrives AFTER 7:00 a.m., he is late. Those are the rules and they are not up for question. He said he understood.

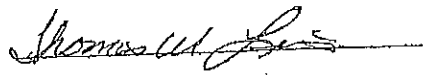
#### SUMMARY:

After having talked with Leroy as summarized above, I feel confident he now understands that Tommy and I are concerned about his lack of performance and his weaknesses in certain areas. One of the main things that I repeatedly suggested that he do concerning retaining training that Tommy provides, is to take good notes and refer back to them as needed. I feel confident that he now understands fully what is expected and how he needs to go about improving. I assured him that Tommy will be right there to help him with areas where he is weak. However, Leroy now understands that he is ultimately responsible for his performance, for his retention of knowledge. He is ultimately responsible for doing his best to at least meet standards required to earn the right to become a permanent employee in the Transportation Technologist classification at the end of the six month probationary period. I told Leroy that his "mid appraisal" (three months) was approaching in about a month and that we would reassess at that time. I told him that we would be meeting often if Tommy did not report vast improvements in all areas. He said he understood. I assured Leroy that it is our desire to see him improve and we will try our best to help him do that.

NOTE: As noted above, I am recommending to Tommy to delay submitting the written reprimand pertaining to tardiness until he makes the drive directly from Montgomery to Tuscaloosa. He is to leave at 5:00 a.m. sharp and be very conscious to drive the speed limit at all times and note the time it takes to make the trip. If the time is more than the allotted two hours, then the reprimand will be rescinded. If the drive proves to fall within the two hours, then the reprimand will become an official disciplinary action on Leroy Williams. Leroy had been explained this during the counseling session and he agreed to this approach.

  
Joe E. Jones, Asst. Location Engineer, Field

Witness:

  
Thomas L. Lewis, Party Chief

Cc: Mr. Don Arkle  
Mr. William Adams  
Mr. Thomas Lewis



Bob Riley  
Governor

## ALABAMA DEPARTMENT OF TRANSPORTATION

Design Bureau  
1409 Coliseum Boulevard, Montgomery, Alabama 36110  
P. O. Box 303050, Montgomery, Alabama 36130-3050  
Phone: 334-242-6178 FAX: 334-269-0826



Joe Molines  
Transportation Director

July, 26 2005

ATTACHMENT  
E

### MEMORANDUM

To: Leroy Williams, Transportation Technologist  
Field Supervisor

From: Thomas W. Lewis  
Chief of Party

RE: Reprimand for Repeated Tardiness

Mr. Williams, on Monday, July, 25 2005 you reported to this office in Tuscaloosa at 7:14a.m. You are given 2 hours of driving time from the Montgomery office to this office. Your reporting time in Montgomery is 5:00am and therefore if your report to the office here in Tuscaloosa any time after 7:00am you are considered late for work (tardy).

This is the 4<sup>th</sup> time you have been tardy since May, 16<sup>th</sup> 2005, the day you were assigned to this crew. Please refer to the following:

Occasion One: On Wednesday June, 1 2005 you reported to the parking lot in Montgomery at 5:05a.m. which was 5 minutes late. At that time I informed you that being tardy was unacceptable. This was a verbal warning.

Occasion Two: The very next day I instructed the crew to meet in the parking lot of the motel where everyone was staying in Auburn. You did not report at that location and I had to be told by another crew member where you were. That in itself is an infraction because you did not do as instructed. All other crew members reported just as I had instructed. I told you on that day you were late, because you were not where I told you to be at 7:00a.m. I

explained if you were late again you would be subject to disciplinary actions. This was a second verbal warning.

Occasion Three: On Monday, June 20<sup>th</sup> you did not arrive at the office in Tuscaloosa until 7:30a.m. You called me that day and told me your stomach was bothering you. Even though you told me you were sick you went on out and worked the rest of the day like there wasn't anything wrong. I explained to you the importance of being on time to set an example for the crew members you supervise. This was a third verbal warning and a pattern had developed.

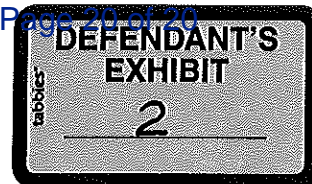
Occasion Four: And now on Monday, July 25<sup>th</sup>, you did not report to the office here in Tuscaloosa until 7:14a.m. You did not notify me even as I talked with you on the Southern Line BEFORE 7:00a.m. That in its self is grounds for a Reprimand. I am mystified as to why you did not mention to me that you were going to be late because you should have been very aware that being tardy is not acceptable.

The policies set down by our department plainly state that you must notify your supervisor if you are going to be late and that excessive tardiness will not be tolerated.

Consider this written reprimand as the next step in the disciplinary process concerning your being tardy. The first steps included the verbal warnings already mentioned. Also consider this as a warning that the next time you are tardy you will be charged LWOP and you will receive another discipline (possibly another reprimand and/or a suspension).

This is a very serious matter and it will be reflected on your next grade sheet. I trust you understand that you must adhere to the rules set forth by the Department or you can cause serious injury to your career. I should also remind you that you are still in the early stages of your six-month probationary period as a Transportation Technologist and this type of behavior is detrimental to your being assessed as a dependable employee. And certainly as a Field Supervisor, you should be setting the example for the subordinates in your crew.

Thomas W. Lewis  
Chief of Party



## ALABAMA DEPARTMENT OF TRANSPORTATION

1409 Coliseum Boulevard, Montgomery, Alabama 36110  
P.O. Box 303050, Montgomery, Alabama 36130-3050

Telephone: 334-242-6311 FAX: 334-262-8041



Bob Riley  
Governor

J.D. McInnes  
Transportation Director

August 19, 2005

**MEMORANDUM:**

TO: Mr. Don T. Arkle  
Design Bureau Chief

FROM: William F. Adams  
Location Engineer

RE: Probationary Period of  
Leroy Williams

Mr. Williams was appointed to the classification of Transportation Technologist in the job title of Field Supervisor effective May 14, 2005. Mr. Williams was assigned to Mr. Tommy Lewis's crew. Since beginning with Mr. Lewis's crew, Mr. Williams has been reprimanded for excessive tardiness on July 26, 2005, and for insubordination on August 11, 2005, as shown in the attached documentation from Mr. Lewis and Mr. Joe Jones, Assistant Location Engineer.

Mr. Williams' lack of respect for the rules established by the Department, Bureau and Location Section and for his supervisor as shown by his actions is totally unacceptable. For these reasons, I am recommending that Mr. William's probation be ended at this time and that he be reassigned to his former classification of EA II/III in the Design Section.

Let me know if you have any questions or need additional information regarding this recommendation. Please indicate your concurrence with this recommendation by signing in the space provided below.

Concur:

Don T. Arkle

Date: 8-19-05

Attachments

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>LEROY WILLIAMS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>2:06-cv-658-ID</b>
	)	
<b>STATE OF ALABAMA DEPARTMENT</b>	)	
<b>OF TRANSPORTATION and JOE</b>	)	
<b>McINNES, in his official capacity</b>	)	
<b>as Director of the State of Alabama</b>	)	
<b>Department of Transportation</b>	)	
	)	
<b>Defendants.</b>	)	

**AFFIDAVIT OF JOE E. JONES**

Before me, the undersigned notary public in and for the State of Alabama at Large, this day personally appeared Joe E. Jones, who being known to me and being by me first duly sworn, deposes and says on oath as follows:

My name is Joe E. Jones, I am a resident citizen of the State of Alabama and am over the age of nineteen (19) years.

I am presently an employee of the Alabama Department of Transportation (ALDOT) and was so employed at all times relevant to this lawsuit. At times relevant to this lawsuit I was assigned to the Design Bureau as Assistant Location Engineer, Field.

In May, 2006, Mr. Williams was promoted from the position of Engineering Assistant II/III to the position of Transportation Technologist and was assigned to my office. I assigned Mr. Williams to Tommy Lewis to serve as Field Supervisor for one of Tommy's crews. Mr. Williams reported to work on May 16, 2005. to begin a six month probationary period. During the first two months of this probationary period, Mr. Lewis kept me apprised of Mr. Williams'



progress in the job and I became aware that Mr. Williams was not progressing satisfactorily in many aspects of the job.

Mr. Williams had been tardy on several occasions, had not followed instructions properly and was lacking in basic skills that one should expect of an employee with his prior experience and in his supervisor position.

On July 26, 2005, Mr. Lewis prepared a reprimand for repeated tardiness on Mr. Williams, occasioned by Mr. Williams' fourth incidence of tardiness. This prompted me to conduct a counseling session with Mr. Williams and Mr. Lewis on July 28, 2005. See Exhibit 1. At this counseling session, we discuss Mr. Williams' working skills, his inability to follow directives and his tardiness.

One of the particular issues at the counseling session was the tardiness that had prompted Mr. Lewis's reprimand. Mr. Williams insisted that it took him two hours and twenty-five minutes to drive from Montgomery to the Tuscaloosa office. A two hour time allowance for this drive had been previously established; but, in order to give Mr. Williams the benefit of the doubt, I instructed Mr. Lewis to drive the route, observing all speed limits, and report to me the time it took him to travel from Montgomery and Tuscaloosa. I withheld the issuance of the reprimand pending a determination of the travel time. Mr. Lewis drove the route on August 2, 2005, taking one hour and fifty-five minutes, allowing for one five minute break at the rest area along the route. I then directed that the reprimand be issued. See Exhibit 2.

On August 11, 2005, Mr. Lewis issued a second reprimand to Mr. Williams, this time for insubordination. Mr. Williams had been insubordinate toward Mr. Lewis on the job site as more clearly described in Exhibit 3. On the same date, I met with Mr. Williams and Mr. Lewis, the discussion that ensued is more fully reflected in Exhibit 3. After careful consideration, I

prepared a recommendation of discipline (Exhibit 3) which was sent to William F. Adams, Location Engineer, for further consideration. It was my recommendation to Mr. Adams that Mr. Williams not be allowed to continue in the Transportation Technologist.

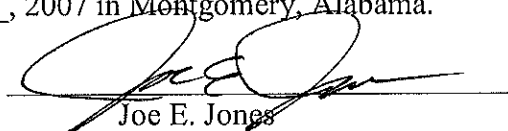
Mr. Williams' probationary appointment as Transportation Technologist was terminated effective September 3, 2005 and he reverted to his previously held position of Engineering Assistant II/III and reflected in Exhibit 4.

As I understand, Mr. Williams complains that he was discriminated against on account of his race, black. I am not aware of such discrimination on the part of Mr. Lewis or others, nor were any of my actions motivated by his race. The actions taken against Mr. Williams were prompted by the inadequacy of his performance, lack of basic skills, his insubordination and his tardiness, as reflected in the exhibits contained herein. My greatest concern was for the disregard of established rules, tardiness and the hostility as exhibited by Mr. Williams' insubordination to his supervisor.

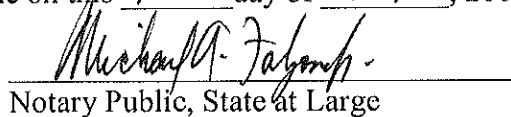
As I further understand, Mr. Williams claims that the actions taken against him were in retaliation for his having filed an internal complaint or grievance. Mr. Williams filed no such grievance with me, nor am I aware of any grievances filed by Mr. Williams.

FURTHER THE AFFIANT SAITH NOT.

I signed this affidavit on 3-19, 2007 in Montgomery, Alabama.

  
Joe E. Jones

SWORN TO AND SUBSCRIBED before me on this 19<sup>th</sup> day of March, 2007.

  
Notary Public, State at Large

My Commission Expires: 9/18/2010





Bob Riley  
Governor

## ALABAMA DEPARTMENT OF TRANSPORTATION

Design Bureau  
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P. O. Box 303050, Montgomery, Alabama 36130-3050  
Phone: 334-242-6178 FAX: 334-269-0826



Joe Molinas  
Transportation Director

July, 26 2005



### MEMORANDUM

To: Leroy Williams, Transportation Technologist  
Field Supervisor

From: Thomas W. Lewis  
Chief of Party

RE: Reprimand for Repeated Tardiness

Mr. Williams, on Monday, July, 25 2005 you reported to this office in Tuscaloosa at 7:14a.m. You are given 2 hours of driving time from the Montgomery office to this office. Your reporting time in Montgomery is 5:00am and therefore if your report to the office here in Tuscaloosa any time after 7:00am you are considered late for work (tardy).

This is the 4<sup>th</sup> time you have been tardy since May, 16<sup>th</sup> 2005, the day you were assigned to this crew. Please refer to the following:

Occasion One: On Wednesday June, 1 2005 you reported to the parking lot in Montgomery at 5:05a.m. which was 5 minutes late. At that time I informed you that being tardy was unacceptable. This was a verbal warning.

Occasion Two: The very next day I instructed the crew to meet in the parking lot of the motel where everyone was staying in Auburn. You did not report at that location and I had to be told by another crew member where you were. That in itself is an infraction because you did not do as instructed. All other crew members reported just as I had instructed. I told you on that day you were late, because you were not where I told you to be at 7:00a.m. I

explained if you were late again you would be subject to disciplinary actions. This was a second verbal warning.

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Occasion Four: And now on Monday, July 25<sup>th</sup>, you did not report to the office here in Tuscaloosa until 7:14a.m. You did not notify me even as I talked with you on the Southern Line BEFORE 7:00a.m. That in its self is grounds for a Reprimand. I am mystified as to why you did not mention to me that you were going to be late because you should have been very aware that being tardy is not acceptable.

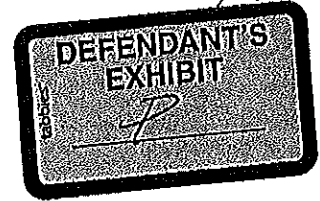
The policies set down by our department plainly state that you must notify your supervisor if you are going to be late and that excessive tardiness will not be tolerated.

Consider this written reprimand as the next step in the disciplinary process concerning your being tardy. The first steps included the verbal warnings already mentioned. Also consider this as a warning that the next time you are tardy you will be charged LWOP and you will receive another discipline (possibly another reprimand and/or a suspension).

This is a very serious matter and it will be reflected on your next grade sheet. I trust you understand that you must adhere to the rules set forth by the Department or you can cause serious injury to your career. I should also remind you that you are still in the early stages of your six-month probationary period as a Transportation Technologist and this type of behavior is detrimental to your being assessed as a dependable employee. And certainly as a Field Supervisor, you should be setting the example for the subordinates in your crew.

Thomas W. Lewis  
Chief of Party

Mr. Leroy Williams  
Work Performance  
Counseling Session  
July 28, 2005



A Not Following directions

1 May 16<sup>th</sup>, 2005, the first day you reported to this office we all sat down and discussed that you, as a supervisor, do not have the authority to let people off with out my approval. We also discussed work times, and the importance of not being late.

a. Work Times

1. On May 16<sup>th</sup>, we discussed what the work times were:  
5:00 a.m. to 5:00 p.m. Monday  
7:00 a.m. to 5:00 p.m. Tuesday and Wednesday  
7:00 a.m. to 7:00 p.m. Thursday.

b. May 24<sup>th</sup> I took you out and showed you the new project and what work we need to do. I explained when working around the Interchanges you should not set radial points with out checking them for accuracy. When we started checking our files an err was found. After going back checking I realized that you had set radial points to work off of. I told you go run a closure loop on the points, not once but twice before you did it the way I had told you to

c. Tuesday, May 31<sup>st</sup> you came into the parking lot in Montgomery 5 minutes late. On this same date, I instructed you to meet with me in the parking lot of the motel at 7 a.m.

d. Wednesday, June 1<sup>st</sup> you were not at the motel parking lot, where I had instructed you to be the day before. You took this upon yourself not to follow my instructions and you did not notify me of this. You informed Rodney instead of your supervisor. I do not know where you were, so as far as I'm concerned you were late that day also.

e. Thursday, ~~July 28<sup>th</sup>~~ you let everyone go at 1:00 p.m. with out my approval, then you told me you let them go at 2:00 p.m. This is insubordination.

June 30

written by  
T. Lewis

B. Checking you work

I have told you time and time again time again about checking your field work. It's the only way you can be efficient. All of this could still fall under not following directives

1. On May 17<sup>th</sup>, I found out you had had a problem the day before. I told you needed to be checking your work to keep things like that from happening.
2. June 15<sup>th</sup>, I had to tell you to check your work again to see if you had the sufficient information that was needed to cover the area in question.. I explained to you that all you had to do was load the information that you had gathered and see if it covered the area properly.
3. July 19<sup>th</sup> once again I had to tell you to check your work after running some 3,000 ft of traverse without checking a previously established point. I explained that all you have to do is load one of the previously established coordinates and stake it out to find a point and see how much you have missed it. I have provided you with a laptop to keep in the truck to do this with. You have the files on the computer with this information. This is a tool that you need to use. Even as I was telling you this, you were telling me the information you were gathering was good " it looks good when I downloaded it. It must be good. After I made you go back and check the traverse what did you find? You found you had over a 1 foot err. Now you have spent almost 2 days trying to find the err. This is time wasted.

C. Working Skills

g. Computer Skills

1. May 16<sup>th</sup>, the day that you first started on this job, I asked you what kind of experience you had with the computer. You stated that you had been a data editor and you knew a good bit about terra model.
2. July 6<sup>th</sup>, I had to give you a lesson on how to draw a line in terra Model and how to draw points by station offset. I have also had to show you how to load image files into model. These are basic skills in model that one of your standing should already know.
3. Monday, July 18<sup>th</sup> I had to show you how to write out a points file in a station offset format, but yet you told me that you were a data editor and you knew a good bit about the program.
4. July 27<sup>th</sup>, I had to explain how to draw an alignment up on the computer. This is the same thing I had to show you back on July 6<sup>th</sup>. How to draw a line. The problem I saw on this day was. You had the information to draw the alignment with, but you did not know how to retrieve the information. The Terramodel file you

written by  
T. Lewis

had open had a layer *Isolated* hiding all other layers with the information you were looking for. Evening after working with this file many times you did not recognize the information you had worked with in the past was not showing up.

#### h. Math skills

- ✓ 1. On June 2<sup>nd</sup>, I had to show you how to add and subtract angles. I also had to show you how to convert a bearing to an azimuth. I actually had to draw you a diagram to show you how to do this.

#### i. Managing you workers

- ✓ 1. You have come to me and said the reason you don't get as much work done as I think you should is because of the people you supervise. You say that they don't know what to do. You said to me that the men should know they need to cut the stub down low, so you think you don't have to tell them to do this. I tell you its not that they don't know this, it's that they are not going to do it unless you tell them to. It is easier to cut them up high. If you can't the worker's that you supervise to get the job done, then you are not doing your job as a supervisor. You can't take this personally it's a job and it has to be done correctly. It is your job to tell them to cut the stub down low. Don't assume that they should already know to do this. At some point you have to let these people know you mean business.

#### j. Training your workers

- ✓ 1. I have been confronted by one of your subordinates that they can't go to you and ask how to do something. They say that you want take the time to explain it to them where they can understand it. Now this employee has to go to some one else to learn the task. There again training employees is a skill you have to have in order to be a supervisor.

#### I. Prejudges

- a. Accusing me of being prejudices will not be tolerated.
- b. Nothing I have said to you has been in a prejudice manner.
- c. We all must learn to communicate in a professional manner and that is the way I was speaking to you.
- e. When you are a supervisor, you must learn how to speak to your employees and your employers, especially those that are over you. You are to treat your superiors just as what they are, supervisor.



*written by:  
T. Law*

- f. Telling me the reason we are in a racial lawsuit is because we did not train employees is not an appropriate way to talk to your superior and it will not be tolerated.

II. Transfers

- a. There will be no transfers from the crew you are with now, at least not for the reason that you gave me earlier.
- b. Just because you think I'm being too hard on you is not reason enough to be asking for a transfer.

Summary

It has become an every day thing. I have to show you how to do some minor task in Terramoldel, how to run a closure loop, how to set up files to work with. I am spending so much time trying to train you to do your job, I have to work late just to complete my work. I could understand spending this much time training a new Supervisor that had no experience in surveying. But you have been exposed to so much information in the past working with the Location Section along with the other Sections. I can not understand why you have not learned these skills in the past.

In the interview with Mr. Jones, you told him you had the skills to be a supervisor. When you came out to the field you told me you had the skills to be a supervisor. Now, you are being held responsible for your work as a supervisor and you want to tell me you were not trained in the skills you need to be a supervisor. I know the people you worked under as a rodman, instrument operator, and data editor. I don't think it was that you weren't taught these skills, and I don't think you took it upon yourself to learn the skills that you were exposed to. In the event of this, now you are blaming every one else for your lack of skills. That to me, is not an excuse. If you want to continue being a supervisor you must improve your skill. There is a big gap between where you are now and where you need to be between now and the end of your probation. If you don't improve as much as need to your probation could be extended or you could be released. I want you to understand this is a serious matter and one you need to work hard on. I will work with you as much as I can to help you improve your skills but in the end it's up to you to learn and show me you can be a supervisor.



Bob Riley  
Governor

## ALABAMA DEPARTMENT OF TRANSPORTATION

1409 Coliseum Boulevard, Montgomery, Alabama 36110  
P.O. Box 303050, Montgomery, Alabama 36130-3050



Joe McInnes  
Transportation Director

September 1, 2005

Mr. Leroy Williams  
Alabama Department of Transportation  
Design Bureau  
1409 Coliseum Blvd.  
Montgomery, AL 36110

Re: Transportation Technologist Appointment

Dear Mr. Williams:

This is to inform you that your appointment in the Transportation Technologist classification that was effective May 14, 2005, has been terminated as of September 3, 2005. You will revert back to your Engineering Assistant II/III position in the Roadway Design Section of the Design Bureau and should report to Adenrele Odutola at 8 a.m. on Tuesday, September 6, 2005. Your salary will also be reduced to the rate you were making at the time of the appointment (\$966.20 plus the 6% cost of living increase).

This action is being taken because of your continual excessive tardiness and repeated insubordination. You were given numerous warnings and two written reprimands all with no noted improvement in your behavior.

As you know, any new appointment carries a six-month probationary period before it becomes permanent. At this time you are just over three months into that test period. For the above reasons it has been determined that you have not satisfactorily performed and/or responded to our efforts to correct your behavior. Therefore, this appointment should be terminated at this point.

We regret that this action is necessary, but trust that you will use it for the betterment of your career.

Sincerely,

A handwritten signature in black ink, appearing to read "Don T. Arkle".

Don T. Arkle  
Design Bureau Chief

DTA

cc: Mr. William Adams  
Mr. Joe Jones  
Mr. Ron Green  
State Personnel



## ALABAMA DEPARTMENT OF TRANSPORTATION

*Design Bureau*

1409 Coliseum Boulevard, Montgomery, Alabama 36110  
P. O. Box 303050, Montgomery, Alabama 36130-3050  
Phone: 334-242-6178 FAX: 334-269-0826



*Bob Riley*  
Governor

*Joe McInnes*  
Transportation Director

August, 11 2005

### MEMORANDUM



To: Leroy Williams  
Transportation Technician  
Field Supervisor

From: Thomas W. Lewis  
Transportation Technician  
Chief of Party

RE: Reprimand for Insubordination

Mr. Williams, on Thursday morning August 11<sup>th</sup> 2005, I was reviewing the work the crew had done in the field on Wednesday August 10<sup>th</sup> 2005. I was very concerned when I found so little progress had been made in the field that day. As you know, this project is a high priority job and its deadline is fast approaching. The completion of this project, on time, is a must and we must do what we can to prevent any unnecessary delays.

While in the process of reviewing the raw data file, I found that it was 9:19 a.m. before the first setup was made that morning. I also found that only three cross sections were taken from 9:19 a.m. to 11:15 a.m. (that is allowing 20 minutes to take the last 6 shots in the file.) The file shows that only 1 hour 45 minutes was spent collecting field data from 7:00 a.m. to 11:15 a.m. (that is allowing 20 minutes to take the last 6 shots in the file.) I decided to take a look at the area in question again to see if I could determine the cause of the delay. I was very concerned with what I found. The area in question had break lines that had not been shot and large areas that were not covered densely enough to correctly show the contours. This is when I came to you to discuss this matter. I called you aside to show you the break lines that



needed to be shot. I walked you around the ridge and showed you the toes that need to be shot. I explained that as an alternative of working off the centerline points, you could have set one remote to cover the majority of the area in question, saving valuable time.

I also talked to you about time management. I explained that if you stop at a store on the way out to the job site, you just took your morning break. I asked you about your lunch hour. You explained that your lunch hour began when you got to the truck and ended when you got back out of the truck. I then explained that this was not correct. Lunch started when you finished in the field. The walk out of the woods was part of your lunch hour. At this point you began to question my interpretation of the lunch hour. I explained that this was set down by the department, not me. You then began to become argumentative. You told me I was just being picky and I was just looking for something to harass you about. You then told me if I didn't have anything else to say you were going back to work. You turned and started to walk away. I told you not to walk away that I was not finished. You then told me "if you are going to talk to me I'm going to sit down and then you can talk." I started to explain that the progress made on Wednesday was unacceptable. Then you jumped up and started saying I was harassing you and not letting you do your job and you were going to have to talk to someone about it. You told me you were working hard and doing a good job. You also told me you could not work like this. You again started to walk away I told you "Leroy, if you walk away I am going to write you up for insubordination. Do you understand?" But you walked away with out me having the opportunity to explain why it was unacceptable.

It is very discouraging to see a supervisor on probation have so little respect for his supervisor, that he walk away when there is clear concern about the progress of the project. The loss of any time on this project is detrimental to the deadline being met. I have tried to impress the importance of time management and accuracy on this project. I have spent time with you trying to share my experience and knowledge with little results. I have explained rules that you question. I have spent time in the field with you trying to show you the most efficient way to produce highly accurate maps. But, the product you turn in on a daily basis consistently has errors, and is lacking in quantity.

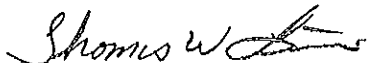
The only reason I can find for this is, mismanagement of your time, and inability to lead your people properly. This does not only affect you, but it reflects upon the entire crew. Your work performance does not reflect the

experience that you have indicated or the experience I suggest you have acquired while working with other crews in the Location Section.

Mr. Williams, it is with regret that it has come down to reprimanding you for insubordination, but you walking away from me or any other supervisor when there are such critical issues to confront and discuss is unacceptable and will not be tolerated. This being the second reprimand in the past month along with you still on probation is very disturbing. It shows a pattern of disregard for your job. As a supervisor, it is your job to set an example for your subordinates; this is not setting a good example. You have to realize this will not be allowed to continue.

In this situation I am at a loss at what punishment to suggest. The severity of your actions could have more than one form of punishment. You could receive this letter of reprimand; receive the letter of reprimand plus a suspension, demotion, or dismissal, on the first offence of insubordination.

At the least, this letter will go into your personnel records and an additional 7 points will be subtracted from your next performance appraisal. I would like to suggest at the least, a suspension be imposed, but I would like my supervisor to review this matter and ask him for a recommendation. Again, I regret having to reprimand any employee, but your actions as a supervisor, warrant strong disciplinary action.

  
Thomas W. Lewis  
Transportation Technician  
Chief of Party

Cc: William Adams  
Joe E. Jones  
Location file



## ALABAMA DEPARTMENT OF TRANSPORTATION

*Design Bureau*

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Bob Riley  
Governor

Joe McInnes  
Transportation Director

August, 18 2005

### MEMORANDUM

To: Joe E. Jones  
Location Engineer Field

From: Thomas W. Lewis  
Chief of Party

RE: Crew Meeting

Mr. Jones on Monday the 15<sup>th</sup> of August I held a crew meeting before the crew went out to the field. Present was Leroy Williams, Field Supervisor, Transportation Technician, Channin Grantham, EA-II/III, Rodney Sanders, EA-I, Robbie Jones, EA-I and Michel Crowe EA-I.

I started the meeting informing the crew that some very serious charges had been brought against me. They were that I had been harassing and degrading Mr. Williams in front of the crew on a regular basis. I asked each member of the crew one by one if they had seen this happen.

Mr. Sanders spoke first and he explained that he thought that I was holding Mr. Williams to too high of a standard for a new supervisor. He understood that I had been a supervisor for some time and he thought I should not expect as much out of Leroy because he was a new supervisor. Nothing was said about me harassing or degrading Mr. Williams.


Ms. Jones told me, I feel the same was as Mr. Sanders I feel like you should not expect quite so much out of Mr. Williams because he was a new supervisor.

I explained that I understood their concerns but the question was "Have you seen me harass or degrade Mr. Williams at any time". They both told me, "No" they had not seen me do that.

I asked Mr. Crowe. He replied "No" I have not seen that. I then turned to Mr. Grantham he also told me he had not seen that take place.

Later that day I drove to Tuscaloosa where Mr. Austin was working. I explained the charges that were brought against me. He told me he had never seen me treat Mr. Williams in that manner.

Mr. Jones I do not understand why he would accuse me of that in front of you without proof. This bothers me. It makes me think it was all to take the attention away for the real problem; his insubordination. I think with further investigation you will come to the same conclusions.

Thomas W. Lewis   
Chief of party



## ALABAMA DEPARTMENT OF TRANSPORTATION

1409 Coliseum Boulevard, Montgomery, Alabama 36110  
P.O. Box 303050, Montgomery, Alabama 36130-3050

Telephone: 334-242-6311 FAX: 334-262-8041



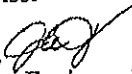
Bob Riley  
Governor

J.D. McInnes  
Transportation Director

August 4, 2005

### MEMORANDUM

To: Leroy Williams  
Field Supervisor

From: Joe E. Jones,   
Asst. Location Engineer, Field

Re: Drive Time from Montgomery Office to Lewis Crew Tuscaloosa Field Office

Purpose: Verify drive time related to Leroy Williams Written Reprimand

In my counseling session with you dated July 28, 2005, I discussed with you the written reprimand given you by Mr. Thomas Lewis, Party Chief. Mr. Lewis, your immediate supervisor had instigated the reprimand due to excessive tardiness. The fourth tardy involved you arriving late on a Monday morning after driving from Montgomery to Tuscaloosa. You stated that it took 2 hours and 25 minutes to make the drive which would make the reporting time 7:25 a.m. I directed Mr. Lewis to make this drive himself, under the same conditions you described (time and speed limit) and report back to me. If the drive proved to be more than the allotted 2 hours, I would instruct Mr. Lewis to rescind the reprimand. However, if the drive proved to be within the allotted 2 hours, the reprimand would stand. Below is the result of the drive made by Mr. Lewis:

On August 2, 2005, Tommy drove from the Montgomery office to his Tuscaloosa office. He left promptly at 5:00 a.m. and was consciously driving the posted speed limit on the different roads along the route. Tommy noted his trip as follows:

"I left Montgomery this morning at 5:00 a.m. stopped one time at the rest area for about 5 minutes and arrived here at the office in Tuscaloosa at 6:55 a.m. This was driving the speed limit all the way. I set the cruise at 55 mph when I got just north of Prattville and when I hit the 4 lane in Centerville I set it at 65 mph. The total distance is 106.5 miles from Office to Office. This is an average speed of 55.55 mph. In no way did I exceed the speed limit."

Based on this driving time test and his report, I am now advising Mr. Lewis to proceed with the written reprimand by submitting it as an official disciplinary action on tardiness. You have already been counseled by Mr. Lewis on this matter and advised of the charge. I have advised you, as noted in my counseling report, about the consequences of being tardy and went over the rules pertaining to the matter. I also advised you that this would affect your grade sheet because it would cause a seven point deduction in your upcoming grade on your Employee Performance Appraisal.

Cc: Mr. Don Arkle  
Mr. William Adams  
Mr. Thomas Lewis



Bob Riley  
Governor

## ALABAMA DEPARTMENT OF TRANSPORTATION

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P.O. Box 303050, Montgomery, Alabama 36130-3050

Telephone: 334-242-6311 FAX: 334-262-8041



J.D. McInnes  
Transportation Director

July 28, 2005

### MEMORANDUM



#### Counseling Session

Leroy Williams, Transportation Technologist  
Field Supervisor

Re: Probationary Performance Concerns

On this date, a counseling session was held with Leroy Williams, referenced above. Also present was Mr. Thomas Lewis, Party Chief, who is Leroy's immediate supervisor. My concerns involved several areas that were well documented by Mr. Lewis (see attached). I felt it necessary to immediately discuss those concerns with Leroy so that he could concentrate on improving in those areas. I will refer to Mr. Williams as Leroy and Mr. Lewis as Tommy.

Leroy was promoted to Transportation Tech as a Field Supervisor and reported to Tommy on May 16, 2005. Leroy is presently being assessed during his six month probationary period and is now at his second month in the classification/job. Tommy has been keeping me informed on Leroy's progress or lack thereof. After two months, it has become obvious to me that Leroy is lacking in many areas as a Field Supervisor and this has me concerned. The following is a summation of the meeting and of the notes used for the session:

#### Working Skills

Leroy shows a definite weakness in math skills as related to surveying. For example, he was unable to calculate angles, azimuths until Tommy showed him how. Leroy told me he now knows how and can do them easily. My concern is that he writes all these things down as he is taught because he may forget. Since he has had high school geometry, three courses in geometry through the ALDOT, one course in trigonometry through the ALDOT, and several years in Location Surveying, I would have assumed that he would have garnered these skills necessary to do the job. I advised Leroy that he had to concentrate on improving these skills and that he should ask Tommy for hands on training. I also advised Leroy to take good notes and KEEP them to refer to so that he is not susceptible to losing the skill through a lack of good memory. We cannot have a crew standing around for an extended time because Leroy is spending too much time doing a calculation or is wasting time because Leroy doesn't know how to do a needed calculation.

He shows a lack of skills concerning checking his work in the field to ensure accuracy. Tommy had to instruct him several times about this and even to the point of demanding that he do the "checks". Leroy had been argumentative with Tommy concerning this directive which is unacceptable. There have been errors made that have caused a waste of time already because Leroy did not do as he was told. This is a common knowledge skill that Leroy should have learned through the years he has worked in a crew. I advised Leroy that he is being held responsible for doing the work accurately and timely....and for sure, to check his work if for no other reason than his supervisor told him to. I advised him to glean knowledge and



direction from Tommy on all work because Tommy has many years of experience as a Field Supervisor and is one who has a vast knowledge of Location Surveying procedures.

He shows a severe lack of skills in working with Terramodel. Even though this is not a highly required skill to be a good Field Supervisor, it is desirable. Since Leroy had been a Data Editor for over a year, I would have assumed that he had a pretty good working knowledge of Terramodel and could build basic alignments and/or retrieve data as needed. According to Tommy, this is not the case. Leroy had advised Tommy on his first day that he knew Terramodel and had a good understanding. Leroy noted on his resume and his application that he worked in the Data Editor job for a good while. I have advised Leroy to ask either Tommy or the Data Editor in the crew to show/teach him what he needs to know to work efficiently in the program....and to be able to find and retrieve data as needed without delaying the work process. I again advised making good notes and hanging on to them for reference in the future.

From discussions with Tommy over the last two months, I am concerned that Leroy does not have a really good grasp of what is required on a survey, even on a daily basis. Once again, Leroy should have accumulated enough knowledge and experience over his years in a survey crew to make him highly efficient and skilled and knowledgeable about what is needed to complete a survey. This is not the case according to the overall operations that Tommy has been reporting to me. Tommy says he is having to work late many nights just to catch up on his work because he is spending so much time teaching/showing Leroy how and what to do. Also, Tommy says he is spending too much time checking and correcting errors made in the field due to bad procedures. Again, Leroy told me in his interview that he was a better qualified candidate for the job because of his experience in Location Surveying AND because of the training that had been offered by the ALDOT. Leroy is not exhibiting the qualities that I expected from him because of his experience he talked about. I advised Leroy that the lack of knowledge pertaining to what is needed on a daily basis is a surprise to me after having interviewed him and having read his resume. I told him he needed to concentrate really hard on getting a better feel for what is required by asking questions and communicating closely with Tommy and the Data Editor. If he will do this, progress will not be hampered due to "floundering" caused by his ineptness. Once again, I advise Leroy to take good notes and then hang on to them for reference.

Leroy shows a lack of management skills in that he cannot effectively supervise his subordinates. Leroy stated to Tommy that he was not getting as much work done as he could "...because his people didn't know what to do." I told Leroy that correcting this problem was his job. As a field supervisor, and according to his form 40, one of his tasks is to train subordinates so the surveys are done efficiently and accurately and without delay. I advised Leroy that he must separate himself from the "worker" mentality and become more aggressive in the supervision and training aspect of the job. If the subordinate doesn't know what to do, then he must show him. If the subordinate doesn't perform well or is "dragging around" then he must approach that individual and square him away. One of the subordinates even complained to Tommy that they couldn't get Leroy to explain things to them. That subordinate then would have to ask somebody else how to do a certain chore. I advised Leroy to be focused on his subordinates' weaknesses and do all that he can to teach them. The very least Leroy should do is make sure that he communicates clearly to them what it is he wants them to do at any given time. After a while, they too will be expected to catch on and do their work without specific and continuous directives when performing redundant tasks.

#### **Doesn't Follow Directives**

This concerns me greatly. Tommy noted several directives that he had given Leroy at different times and that Leroy had ignored them or did not react to them. (see attachments). This is not acceptable. I informed Leroy that if Tommy gives a directive and it is not illegal or harmful, then he must do his best to do exactly what was told him. If he ignores or simply does not do what the supervisor asks or directs, then he actually is being insubordinate. I made sure Leroy understood that insubordination is one of those things that can cause termination on the FIRST offence. I asked Leroy if he would allow a subordinate to ignore or disobey a directive. He answered "No". He then seemed to understand that he should be then cooperative with Tommy and do as he directed EVERY time. I told Leroy that if he did not agree with the directive, not to ignore it, but go ahead and do it. THEN, while alone with Tommy, voice his suggestion that the task be done a different way. Tommy may not change his mind but then again, he might.

Example: Leroy said he did not hear one of the directives to meet at a motel on a particular morning (see attachment). Since ALL other crew members heard the directive, and even the man sitting beside Leroy heard the directive, it is a mystery to me how he did not hear it as well. It seems to me that Leroy simply wanted to do what HE wanted to do and ignored the directive. This is not acceptable. I advised Leroy that he must always be cooperative and do what he is told. Since he is the Field Supervisor, he must be the FIRST to set the example for the rest. I also told Leroy that it is his responsibility to be informed EVERY day as to matters such as this. It is a shame that all subordinates reported as instructed and Leroy, the Field Supervisor, did not.

#### **Tardiness**

We discussed all FOUR times Leroy has been noted as arriving for work late by Tommy. Leroy did not deny that he was late but only that he was not as late as Tommy had noted. I advised Leroy that the amount of time he is late is not the issue but, rather, the fact that he was late is the issue. First, his being the second in charge of a crew as a supervisor demands that he set the example by NEVER being late and certainly not being late often. I made sure he understood that work rules are to be adhered to without question. Being tardy is not acceptable and will be dealt with swiftly if a pattern develops...which in Leroy's case, the pattern has developed. Secondly, since every crew works as a "unit", it is imperative that all members be at work on time or the whole crew suffers.

Since Leroy had been warned THREE previous times about tardiness infractions, Tommy gave a written reprimand the fourth time when Leroy arrived at the office late on Monday morning (see attached reprimand for details). However, because Leroy stated that the allotted drive time from Montgomery to Tuscaloosa is not a reasonable drive time, I have asked Tommy to withhold the reprimand UNTIL he personally makes the drive himself under the same conditions that Leroy made. Leroy says the drive takes 2 hours and 25 minutes if you drive the speed limit. The difference in the drive time allowed and what Leroy says it takes is roughly 25 minutes. The allotted time is two hours but Tommy tells me the crew is always there on Mondays around 6:40 to 6:50 a.m. If this is true, then according to Leroy, the crew has to be driving at a high rate of speed and this is not acceptable. If Tommy proves the drive to be less than two hours under the same conditions that Leroy describes, then the reprimand stands. If the drive is proven to take more than two hours, then I recommended to Tommy that he rescind the reprimand. HOWEVER, I advised Leroy that the first three warnings will remain on record and that the next infraction of tardiness WILL RESULT in a reprimand. He said he understood and seemed to have no problem with that approach.

What causes concern for me is that this "two hour" drive time has been in place for MORE than a year now and was put in place by the previous Party Chief, Joe King. Not one time has any individual in that crew ever mentioned that the drive time was not long enough. We will assess this carefully as Leroy's career could be adversely affected if the two-hour drive time is accurate. A reprimand is not given lightly because it is such a negative on one's grade sheet. An addendum will be inserted below on the results of the drive/test that Tommy has been instructed to do.

Within this entire subject is an included fact that Leroy was driving his personal vehicle those times he was late. I made sure he understood that if he chooses to drive his private vehicle (we furnish transportation in the Carryall), then he is obligated to arrive at the allotted time and for sure BEFORE the carryall. He said he understood. I also advised him that his privilege of driving his private vehicle could be revoked if he persisted in being late while driving his own vehicle. By his traveling in the Carryall, we can assure that he will arrive on time and his problem will be should be solved.

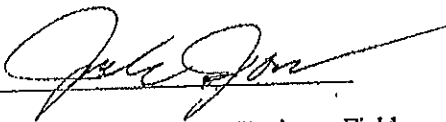
I warned Leroy that arriving at the parking lot on Mondays at 5:00 a.m. is mandatory and is not debatable. If a person arrives later than 5:00 a.m., then he is late. If the time for arrival at the Field Office is set at 7:00 a.m. by the Party Chief, and it is an accurate allotment, then if one arrives AFTER 7:00 a.m., he is late. Those are the rules and they are not up for question. He said he understood.

#### **SUMMARY:**



After having talked with Leroy as summarized above, I feel confident he now understands that Tommy and I are concerned about his lack of performance and his weaknesses in certain areas. One of the main things that I repeatedly suggested that he do concerning retaining training that Tommy provides, is to take good notes and refer back to them as needed. I feel confident that he now understands fully what is expected and how he needs to go about improving. I assured him that Tommy will be right there to help him with areas where he is weak. However, Leroy now understands that he is ultimately responsible for his performance, for his retention of knowledge. He is ultimately responsible for doing his best to at least meet standards required to earn the right to become a permanent employee in the Transportation Technologist classification at the end of the six month probationary period. I told Leroy that his "mid appraisal" (three months) was approaching in about a month and that we would reassess at that time. I told him that we would be meeting often if Tommy did not report vast improvements in all areas. He said he understood. I assured Leroy that it is our desire to see him improve and we will try our best to help him do that.

NOTE: As noted above, I am recommending to Tommy to delay submitting the written reprimand pertaining to tardiness until he makes the drive directly from Montgomery to Tuscaloosa. He is to leave at 5:00 a.m. sharp and be very conscious to drive the speed limit at all times and note the time it takes to make the trip. If the time is more than the allotted two hours, then the reprimand will be rescinded. If the drive proves to fall within the two hours, then the reprimand will become an official disciplinary action on Leroy Williams. Leroy had been explained this during the counseling session and he agreed to this approach.



Joe E. Jones, Asst. Location Engineer, Field

Witness:



Thomas L. Lewis, Party Chief

Cc: Mr. Don Arkle  
Mr. William Adams  
Mr. Thomas Lewis



Bob Riley  
Governor

## ALABAMA DEPARTMENT OF TRANSPORTATION

1409 Coliseum Boulevard, Montgomery, Alabama 36110  
P.O. Box 303050, Montgomery, Alabama 36130-3050



Joe McInnes  
Transportation Director

May 12, 2005

Leroy Williams  
3723 Bridlewood Drive  
Montgomery, AL 36111

Job Classification:	20481 – Transp. Technologist
Biweekly Entrance Salary:	\$1041.50
Salary Range:	\$1041.50 - \$1741.80 Bi-weekly
Location:	Design/Montgomery
Number of Vacancies:	7
Rank:	7

Dear Mr. Williams:

We want to congratulate you on being selected for the classification of Transportation Technologist in the Alabama Department of Transportation. Your appointment will be effective May 14, 2005, at a starting salary of \$1041.50 bi-weekly.

As you have already discussed with Mr. Jones, you should report to your crew assignment at 5:00 a.m. in the NW parking lot on Monday, May 16, 2005.

We appreciate your interest in our Department and look forward to continuing our association.

Yours very truly,

A handwritten signature in cursive script that reads "Don T. Arkle".

Don T. Arkle  
Design Bureau Chief

Form 40 - Revised 1/04

**POSITION CLASSIFICATION QUESTIONNAIRE**STATE OF ALABAMA  
Personnel DepartmentPCQ# 2118416  
(For Dept Use Only)

1. Employee's Name Leroy Williams
2. Classification Transportation Technologist
3. Working Title Field Supervisor
4. Department Department of Transportation
5. Division or Bureau Design
6. Section or Unit Location Section
7. Work Location (County) Statewide
8. Name and title of immediate supervisor (person who assigns work) Thomas W. Lewis Chief of Party
9. Position is: full-time ☒, part-time ☐, permanent ☒, temporary ☐.

10. SUPERVISION EXERCISED: Only complete this section if this position completes performance appraisals or actually participates in rating other employees. If the position functions as a lead worker and only assigns work, then list that responsibility on item 11B as a duty.

- a. Total number of employees that this position supervises: 3
- b. Percentage of time spent on supervision and related duties: 100%
- c. If this position DIRECTLY supervises 5 or less employees, give names and titles. If this position DIRECTLY supervises 5 or more employees give the number and official classification of each.

Channin Grantham EA II/III  
Rodney Sanders EA I  
Robbie Jones EA I

- d. As a supervisor, does this position: (Check the activities performed)
- |   |                                     |   |                                     |
|---|-------------------------------------|---|-------------------------------------|
| Make daily work assignments?            | <input checked="" type="checkbox"/> | Interview and make hiring recommendations?  | <input type="checkbox"/>            |
| Approve and Disapprove leave requests?  | <input type="checkbox"/>            | Recommend disciplinary actions?             | <input checked="" type="checkbox"/> |
| Reassign job duties on permanent basis? | <input type="checkbox"/>            | Prepare and conduct performance appraisals? | <input checked="" type="checkbox"/> |

## 11. DESCRIPTION OF DUTIES PERFORMED:

- a. In one or two sentences, describe the major purpose of this position.

To assign and oversee the daily operation of the Survey Crew.  
Being responsible for all calculations, equipment, and problem solving related to the survey work both in the field and in the office, must be completely knowledgeable on all equipment and mathematics involved in survey work.

b. Duty Statement: *(Complete Column "C" first)*

- In column A, indicate PERCENTAGE of time spent on each duty (total should not exceed 100%).
- In column B, rate the duties as to their IMPORTANCE. VI-Very Important I-Important SI-Somewhat Important
- In column C, describe in detail each of the position's PERMANENT duties and responsibilities using your OWN words.

A %	B rating	C Description of Duties
20	VI	Instructs employees so that project productivity standards are established and met with each project being completed without valid delay.
15	VI	Assigns employees work so that all work is performed and productivity standards are met each day with each goal or project being completed without valid complaint or delay.
15	VI	Operates personal computer so that information is transferred, compiled, and provided to designers with minimal errors and without valid delay.
15	VI	Oversees the gathering of all field survey information so that all pertinent project data can be compiled and provided to designers with minimal errors and without valid delay.
10	VI	Compiles information so that field maps, utility maps, profile maps, and requires pertinent project data are provided to designers with minimal errors and without valid delay.
10	VI	Trains employees so they are afforded the opportunity to learn correct surveying methods, and are able to perform assigned tasks at a fully competent level with no valid complaints or delays.
10	VI	Communicates orally with individuals so that instructions are received, information is properly exchanged, and problems are solved with no valid complaints.
5	VI	Supervises and monitors employee work so that accurate performance appraisals are made and Discipline, if needed, is administered with no valid complaints from supervisors or employees.

(Attach additional sheets if necessary).

12. DECISION MAKING: Give example(s) of the more important decisions made while performing the duties of this position. Then list the possible effect of error(s) on the organization or general public.

Progress of Field work, crew assignments, calculation accuracy and tolerance as well as format for submission.

13. FINANCIAL RESPONSIBILITY: If this position has responsibility for controlling and/or authorizing the expenditure of funds, please describe and indicate approximate amount controlled.


14. WORK GUIDELINES: (Only include written guidelines) List the specific laws, regulations, instructions, manuals, or procedures that must be followed in performing this job and describe how they are used.

LIST ITEM	HOW USED
AASHTO Manual	Set controls and develop designs that meet standards.

Equipment manual	Operating electronic level, H.P. 48, Geodimeter, and other electronic equipment
Guidelines for operation	Daily operational procedures for knowledge of the job, Governs data collection accuracy and tolerances as well as format for submission
Geometric Design of Highways and Streets	Guidelines and policies for State Survey

How is this position's work reviewed? (Check one)

- ☐ Supervisor reviews most or all of work while it is being done.  
☒ Supervisor spot checks work as it is being done.  
☐ Supervisor reviews most or all of work after completion.  
☐ Supervisor spot checks work after completion.  
☐ Supervisor does not review work.  
☐ Other. (describe fully)

16. WORK CONTACTS: With whom, outside of co-workers in this unit, must this position regularly come in contact?

Who Contacted	How (Phone, in person, etc.)	Purpose of Contact	How Often
General public	Phone, in person, etc.	Survey	Monthly
Courthouse	Phone, in person, etc.	Survey	Monthly
Utility	Phone, in person, etc.	Survey	Often
Property Owners	Phone, in person, etc.	Survey	Often

17. EQUIPMENT USED: List any equipment used regularly. Give percent of time spent in operation of each. For vehicles and construction and maintenance equipment operated, indicate capacity, e.g., tonnage, yardage.

Total Station	20%	Electronic Level	10%
Data Collector	10%	Carry all	5%
H.P. 48 Calculator	10%		
Digital Planimeter	10%		

a. Does this position require typing?

- ☒ NO  
☐ YES--Give % of time spent in typing [ ] %

b. Does this position require taking shorthand?

- ☒ NO  
☐ YES--Give % of time spent in shorthand [ ] %

ITEMS TO BE COMPLETED BY IMMEDIATE SUPERVISOR AND/OR APPOINTING AUTHORITY

18. Are the statements of the employee accurate and complete? (Indicate inaccuracies and incomplete items)  
YES
19. If duties listed are for reallocation of position, what additional and/or more complex duties have been added to this position to warrant reallocation. N/A
20. List any required licenses, registrations, certifications, or special requirements necessary to perform the job.  
N/A
21. Check below the type of supervision provided by the immediate supervisor to this position.  
☒ CLOSE/HANDS ON or ☐ GENERAL/ADMINISTRATIVE
22. Additional information and comments (additional sheets may be attached, if necessary).

Item #	The reason for this form 40 is to establish the duties of a newly promoted employee.

## VERIFICATION - READ CAREFULLY BEFORE SIGNING

I hereby certify that I have read the above and verify that it is, to the best of my knowledge, correct and accurate.  
I understand that disciplinary action could be taken against anyone who knowingly provides false information.

Leroy Wallin 05/25/05 242-6175  
Signature of Incumbent Date Telephone # (ATTNET)

Thomas W. Lewis 5/25/05 Chief of Party Trans. Tech. 242-6175  
Signature of Supervisor Date Title/Classification Telephone # (ATTNET)

DJM 06/17/05   
Signature of Appointing Authority Date Telephone # (ATTNET)





## ALABAMA DEPARTMENT OF TRANSPORTATION

1409 Colliseum Boulevard, Montgomery, Alabama 36110  
P.O. Box 303050, Montgomery, Alabama 36130-3050

Telephone: 334-242-6311 FAX: 334-262-8041



Bob Riley  
Governor

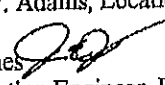
J.D. McInnes  
Transportation Director

August 15, 2005



### MEMORANDUM

To: William F. Adams, Location Engineer

From: Joe E. Jones   
Asst. Location Engineer, Field

Re: Recommendation of Discipline

Leroy Williams, Transportation Technologist (Probationary Employee)  
Field Supervisor  
SECOND REPRIMAND by SUPERVISOR  
Charge: Insubordination

On August 11, 2005, Leroy Williams and Thomas Lewis met with me in my office to discuss the above referenced. I will refer to Mr. Williams as Leroy and Mr. Lewis as Tommy.

Tommy had called me from the field on the morning of August 11, 2005 to inform me that he was about to charge Leroy with insubordination. He briefly explained the situation to me. I then instructed him to bring Leroy with him and meet with me at 3:00 p.m.

Please see the attached written reprimand for details that led up to this disciplinary action. Generally, the insubordination charge was made because Leroy angrily walked off from Tommy during a meeting where Tommy was counseling/instructing Leroy on work matters. Tommy warned Leroy twice not to walk away and even warned him the second time that if he did, he would be charged with insubordination. Leroy walked away anyway.

During the meeting in my office, Leroy confirmed that he did walk away. However, Leroy said he did so only because Tommy was being demeaning and "talking down to him". Tommy denies this. I advised Leroy that a subordinate never terminates a meeting that a supervisor has called or disregards a directive unless it is unlawful or is dangerous. I also advised him that he should have finished listening to the supervisor, done what he asked, and then file a report/complaint as to the demeaning treatment that he said he received. I advised him that the reaction from him was unacceptable and shows a blatant disregard for the supervisor's authority to the point of insubordination.

At one point in our meeting, Leroy said that Tommy is "constantly" harassing him and "will not let him do his job". According to Tommy, he has never harassed Leroy but has indeed corrected him, trained him, and advised him of the rules and how they are to be followed. Tommy says that Leroy is defensive and has become more and more argumentative when he tries to instruct/train him. Tommy said that Leroy has threatened to "get a lawyer" during one of their sessions.



When I asked Leroy if he was accurate when he said, "Tommy constantly harasses and demeans me ALL the time", he said he was accurate. Leroy even said that ALL of the crew members had asked him, "...why does Tommy harass you like this ALL the time?" I asked Leroy was he sure that ALL members had asked him this and he said yes. I instructed Tommy to have a meeting with his crew as soon as possible and see if this accusation was accurate. Tommy said he would and would make a full report. On this date, Tommy had that meeting, with Leroy present, and has advised me that NONE of the personnel confirmed they had ever witnessed his harassing or demeaning Leroy. Please see the attached report on the meeting.

According to Tommy, Leroy is not handling the responsibilities of Field Supervisor well at all (see counseling session on July 28, 2005). This includes things like: he is not knowledgeable enough to handle the technical issues; not doing well at supervising his personnel; not managing time well; not following established rules concerning tardiness and lunch/break times; not retaining instructions/knowledge that Tommy is offering him. As a result, he reports that progress is being severely hampered. Tommy reports that the field operations are severely lacking in production and that even the minimal data being collected is often faulty because Leroy is not following procedures laid down by Tommy. In addition, field operations are lagging because Leroy is not managing time well at all.

For example, Tommy said that on August 11 one of the things (just prior to the insubordination) he was attempting to counsel Leroy on was his use of work time and making sure that the work effort was being maximized. Tommy said Leroy was defensive and said he was working hard. Tommy was trying to relate some times that were recorded in the Total Station that showed the work history on certain dates. Leroy stated that he didn't know what the clock on the instrument showed but that he was getting to work in the field in a timely manner. However, Tommy has presented documents (see attached) that show a history of the FIRST "setup" recorded in the instrument for several days. Those times are compared to another crew which is working out of the same office, doing similar work on the same project within a 1/4 mile of each other. The document shows that the other crew consistently had a recorded setup time of roughly an hour BEFORE Leroy's crew did each morning. The document seems to exhibit a pattern of Leroy NOT getting to the job site in a timely manner. Tommy advised me that Leroy doesn't agree with the exhibit. Tommy has assured me that he checked the clock on the instrument and it is accurate.

#### Summary:

Leroy is a probationary employee in the classification of Transportation Technologist and is performing that probationary period in the job title of Field Supervisor. He is roughly at the three-month point in the period. Leroy has several years experience in Location Surveying, including experience as a Data Editor within a crew. Because of this experience and the training/classes Leroy has taken advantage of, I expected him to be a much more effective Field Supervisor. This is not proving to be the case. Tommy is a Party Chief with many, many years of Location Surveying experience. I have confidence in his knowledge and skills in Location Surveying because he was a successful Field Supervisor for all those years. Based on those years of experience, Tommy is attempting to help Leroy develop good technical skills along with good procedures to maximize efforts in the field. In essence, here is a successful and experienced supervisor attempting to train, advise, and counsel a subordinate who is a probationary employee in training. At the same time, he is attempting to cause Leroy to focus more on the responsibility of setting a good example for HIS subordinates by following all rules and regulations.

Leroy was not expected to "be up and running" since he is in a probationary period. However, he was expected to perform well in the technical areas and expected to stay open to critique and instruction by the Party Chief in those areas where he is weakest. Once he receives this critique/instruction, I would expect him to note it and react to it by conforming and by following those instructions. It seems, though, that Leroy takes offence to Tommy's critique and to his tutoring. It is apparent that Leroy interprets this as harassment. It seems to me that Leroy should concentrate more on being more receptive to learning all he can from Tommy's vast experience as a Location Surveyor (including all aspects of the job), as a long time Field Supervisor, and now as a Party Chief. Being argumentative and defensive when his supervisor is trying to counsel and train him is counterproductive and uncalled for. For some reason, Leroy seems to think that Tommy is being harassing when, according to Tommy, he is only trying to help Leroy learn how

to do the job in an accurate and timely manner with minimal effort. This seems like a reasonable approach to me.

Leroy has broken the rules pertaining to tardiness for which he received a written reprimand. Now, he has received a written reprimand for insubordination: all within the first three months of his probationary period. It seems that Leroy is resisting all supervision by Tommy and is ignoring the rules in place for things such as those for tardiness and other rules. According to Tommy, Leroy even was argumentative about the lunch hour and how it is to be handled. All of this is unacceptable for ANY employee of any job title but is surely not acceptable from a supervisor who needs to be setting the example for his subordinates. All other personnel are held to the same standards of following rules and for being cooperative. I see no reason for Leroy to be the exception. The rules and regulations set forth by State Personnel, ALDOT, and the Location Section seem to be fair to me. I don't consider the rules unreasonable and see no reason any employee would have trouble following them.

It is now my conclusion that Leroy has not represented himself well in his job title of Field Supervisor. However, his performance is fairly secondary to his seemingly hostile attitude of assuming a supervisor is being harassing when they are giving instructions and directives. Usually, this type attitude might be expected from a new employee who is making an adjustment to our rules and regulations and to our work habits at the ALDOT. Leroy, however, has worked several years in our survey crews and should be well aware of our rules and regulations. To be argumentative and insubordinate to his supervisor is just not acceptable. This attitude along with his weak job performance is, according to Tommy, causing a serious lack of progress on a job that has a very important timeline to be met. The evidence attached concerning the "late morning" setups recorded in the instrument and then the unsatisfactory response to Tommy's instructions seem to bear Tommy's feelings out. The reprimands for tardiness and for insubordination seem to make a case that this employee is not meeting standards at this point.

Tommy says in his written reprimand that he is not sure how severe the punishment should be. However, he says that he would recommend at least a suspension. I concur in that a suspension should be the minimum disciplinary result. I would suggest, however, that serious consideration be given to other choices. Since Leroy is a probationary employee and is being judged on his job performance, on his abilities to follow directives, and on his sense of cooperation, his successes and failures are magnified even more. It is during this time that the Department is depending on supervisors to judge whether or not a probationary employee meets or does not meet standards. It is then the supervisor(s) who should make a judgment based on good information and evidence, and then present a recommendation that is beneficial and reasonable to the Department.

Thus, it is my recommendation that Leroy not be allowed to continue in the Transportation Technologist classification. The reports given to me by his supervisor, Tommy Lewis, show that he is proving less than desirable as a Field Supervisor for which he was hired. If Leroy is unwilling to react positively to discipline, training, corrective counseling, or warnings, then his tenure in this probationary period should be stopped now.



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Bob Riley  
Governor

J.D. McInnes  
Transportation Director

August 15, 2005

### MEMORANDUM

To: William F. Adams, Location Engineer

From: Joe E. Jones  
Asst. Location Engineer, Field

Re: Recommendation of Discipline

Leroy Williams, Transportation Technologist (Probationary Employee)  
Field Supervisor  
SECOND REPRIMAND by SUPERVISOR  
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For example, Tommy said that on August 11 one of the things (just prior to the insubordination) he was attempting to counsel Leroy on was his use of work time and making sure that the work effort was being maximized. Tommy said Leroy was defensive and said he was working hard. Tommy was trying to relate some times that were recorded in the Total Station that showed the work history on certain dates. Leroy stated that he didn't know what the clock on the instrument showed but that he was getting to work in the field in a timely manner. However, Tommy has presented documents (see attached) that show a history of the FIRST "setup" recorded in the instrument for several days. Those times are compared to another crew which is working out of the same office, doing similar work on the same project within a ¼ mile of each other. The document shows that the other crew consistently had a recorded setup time of roughly an hour BEFORE Leroy's crew did each morning. The document seems to exhibit a pattern of Leroy NOT getting to the job site in a timely manner. Tommy advised me that Leroy doesn't agree with the exhibit. Tommy has assured me that he checked the clock on the instrument and it is accurate.

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to do the job in an accurate and timely manner with minimal effort. This seems like a reasonable approach to me.

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It is now my conclusion that Leroy has not represented himself well in his job title of Field Supervisor. However, his performance is fairly secondary to his seemingly hostile attitude of assuming a supervisor is being harassing when they are giving instructions and directives. Usually, this type attitude might be expected from a new employee who is making an adjustment to our rules and regulations and to our work habits at the ALDOT. Leroy, however, has worked several years in our survey crews and should be well aware of our rules and regulations. To be argumentative and insubordinate to his supervisor is just not acceptable. This attitude along with his weak job performance is, according to Tommy, causing a serious lack of progress on a job that has a very important timeline to be met. The evidence attached concerning the "late morning" setups recorded in the instrument and then the unsatisfactory response to Tommy's instructions seem to bear Tommy's feelings out. The reprimands for tardiness and for insubordination seem to make a case that this employee is not meeting standards at this point.

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Thus, it is my recommendation that Leroy not be allowed to continue in the Transportation Technologist classification. The reports given to me by his supervisor, Tommy Lewis, show that he is proving less than desirable as a Field Supervisor for which he was hired. If Leroy is unwilling to react positively to discipline, training, corrective counseling, or warnings, then his tenure in this probationary period should be stopped now.



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Bob Riley  
Governor

J.D. McInnes  
Transportation Director

July 28, 2005

### MEMORANDUM

#### Counseling Session

Leroy Williams, Transportation Technologist  
Field Supervisor

Re: Probationary Performance Concerns

On this date, a counseling session was held with Leroy Williams, referenced above. Also present was Mr. Thomas Lewis, Party Chief, who is Leroy's immediate supervisor. My concerns involved several areas that were well documented by Mr. Lewis (see attached). I felt it necessary to immediately discuss those concerns with Leroy so that he could concentrate on improving in those areas. I will refer to Mr. Williams as Leroy and Mr. Lewis as Tommy.

Leroy was promoted to Transportation Technician as a Field Supervisor and reported to Tommy on May 16, 2005. Leroy is presently being assessed during his six month probationary period and is now at his second month in the classification/job. Tommy has been keeping me informed on Leroy's progress or lack thereof. After two months, it has become obvious to me that Leroy is lacking in many areas as a Field Supervisor and this has me concerned. The following is a summation of the meeting and of the notes used for the session:

#### Working Skills

Leroy shows a definite weakness in math skills as related to surveying. For example, he was unable to calculate angles, azimuths until Tommy showed him how. Leroy told me he now knows how and can do them easily. My concern is that he writes all these things down as he is taught because he may forget. Since he has had high school geometry, three courses in geometry through the ALDOT, one course in trigonometry through the ALDOT, and several years in Location Surveying, I would have assumed that he would have garnered these skills necessary to do the job. I advised Leroy that he had to concentrate on improving these skills and that he should ask Tommy for hands on training. I also advised Leroy to take good notes and KEEP them to refer to so that he is not susceptible to losing the skill through a lack of good memory. We cannot have a crew standing around for an extended time because Leroy is spending too much time doing a calculation or is wasting time because Leroy doesn't know how to do a needed calculation.

He shows a lack of skills concerning checking his work in the field to ensure accuracy. Tommy had to instruct him several times about this and even to the point of demanding that he do the "checks". Leroy had been argumentative with Tommy concerning this directive which is unacceptable. There have been errors made that have caused a waste of time already because Leroy did not do as he was told. This is a common knowledge skill that Leroy should have learned through the years he has worked in a crew. I advised Leroy that he is being held responsible for doing the work accurately and timely....and for sure, to check his work if for no other reason than his supervisor told him to. I advised him to glean knowledge and

direction from Tommy on all work because Tommy has many years of experience as a Field Supervisor and is one who has a vast knowledge of Location Surveying procedures.

He shows a severe lack of skills in working with Terramodel. Even though this is not a highly required skill to be a good Field Supervisor, it is desirable. Since Leroy had been a Data Editor for over a year, I would have assumed that he had a pretty good working knowledge of Terramodel and could build basic alignments and/or retrieve data as needed. According to Tommy, this is not the case. Leroy had advised Tommy on his first day that he knew Terramodel and had a good understanding. Leroy noted on his resume and his application that he worked in the Data Editor job for a good while. I have advised Leroy to ask either Tommy or the Data Editor in the crew to show/teach him what he needs to know to work efficiently in the program....and to be able to find and retrieve data as needed without delaying the work process. I again advised making good notes and hanging on to them for reference in the future.

From discussions with Tommy over the last two months, I am concerned that Leroy does not have a really good grasp of what is required on a survey, even on a daily basis. Once again, Leroy should have accumulated enough knowledge and experience over his years in a survey crew to make him highly efficient and skilled and knowledgeable about what is needed to complete a survey. This is not the case according to the overall operations that Tommy has been reporting to me. Tommy says he is having to work late many nights just to catch up on his work because he is spending so much time teaching/showing Leroy how and what to do. Also, Tommy says he is spending too much time checking and correcting errors made in the field due to bad procedures. Again, Leroy told me in his interview that he was a better qualified candidate for the job because of his experience in Location Surveying AND because of the training that had been offered by the ALDOT. Leroy is not exhibiting the qualities that I expected from him because of his experience he talked about. I advised Leroy that the lack of knowledge pertaining to what is needed on a daily basis is a surprise to me after having interviewed him and having read his resume. I told him he needed to concentrate really hard on getting a better feel for what is required by asking questions and communicating closely with Tommy and the Data Editor. If he will do this, progress will not be hampered due to "floundering" caused by his ineptness. Once again, I advised Leroy to take good notes and then hang on to them for reference.

Leroy shows a lack of management skills in that he cannot effectively supervise his subordinates. Leroy stated to Tommy that he was not getting as much work done as he could "...because his people didn't know what to do." I told Leroy that correcting this problem was his job. As a field supervisor, and according to his form 40, one of his tasks is to train subordinates so the surveys are done efficiently and accurately and without delay. I advised Leroy that he must separate himself from the "worker" mentality and become more aggressive in the supervision and training aspect of the job. If the subordinate doesn't know what to do, then he must show him. If the subordinate doesn't perform well or is "dragging around" then he must approach that individual and square him away. One of the subordinates even complained to Tommy that they couldn't get Leroy to explain things to them. That subordinate then would have to ask somebody else how to do a certain chore. I advised Leroy to be focused on his subordinates' weaknesses and do all that he can to teach them. The very least Leroy should do is make sure that he communicates clearly to them what it is he wants them to do at any given time. After a while, they too will be expected to catch on and do their work without specific and continuous directives when performing redundant tasks.

#### **Doesn't Follow Directives**

This concerns me greatly. Tommy noted several directives that he had given Leroy at different times and that Leroy had ignored them or did not react to them. (see attachments). This is not acceptable. I informed Leroy that if Tommy gives a directive and it is not illegal or harmful, then he must do his best to do exactly what was told him. If he ignores or simply does not do what the supervisor asks or directs, then he actually is being insubordinate. I made sure Leroy understood that insubordination is one of those things that can cause termination on the FIRST offence. I asked Leroy if he would allow a subordinate to ignore or disobey a directive. He answered "No". He then seemed to understand that he should be then cooperative with Tommy and do as he directed EVERY time. I told Leroy that if he did not agree with the directive, not to ignore it, but go ahead and do it. THEN, while alone with Tommy, voice his suggestion that the task be done a different way. Tommy may not change his mind but then again, he might.



Example: Leroy said he did not hear one of the directives to meet at a motel on a particular morning (see attachment). Since ALL other crew members heard the directive, and even the man sitting beside Leroy heard the directive, it is a mystery to me how he did not hear it as well. It seems to me that Leroy simply wanted to do what HE wanted to do and ignored the directive. This is not acceptable. I advised Leroy that he must always be cooperative and do what he is told. Since he is the Field Supervisor, he must be the FIRST to set the example for the rest. I also told Leroy that it is his responsibility to be informed EVERY day as to matters such as this. It is a shame that all subordinates reported as instructed and Leroy, the Field Supervisor, did not.

### **Tardiness**

We discussed all FOUR times Leroy has been noted as arriving for work late by Tommy. Leroy did not deny that he was late but only that he was not as late as Tommy had noted. I advised Leroy that the amount of time he is late is not the issue but, rather, the fact that he was late is the issue. First, his being the second in charge of a crew as a supervisor demands that he set the example by NEVER being late and certainly not being late often. I made sure he understood that work rules are to be adhered to without question. Being tardy is not acceptable and will be dealt with swiftly if a pattern develops... which in Leroy's case, the pattern has developed. Secondly, since every crew works as a "unit", it is imperative that all members be at work on time or the whole crew suffers.

Since Leroy had been warned THREE previous times about tardiness infractions, Tommy gave a written reprimand the fourth time when Leroy arrived at the office late on Monday morning (see attached reprimand for details). However, because Leroy stated that the allotted drive time from Montgomery to Tuscaloosa is not a reasonable drive time, I have asked Tommy to withhold the reprimand UNTIL he personally makes the drive himself under the same conditions that Leroy made. Leroy says the drive takes 2 hours and 25 minutes if you drive the speed limit. The difference in the drive time allowed and what Leroy says it takes is roughly 25 minutes. The allotted time is two hours but Tommy tells me the crew is always there on Mondays around 6:40 to 6:50 a.m. If this is true, then according to Leroy, the crew has to be driving at a high rate of speed and this is not acceptable. If Tommy proves the drive to be less than two hours under the same conditions that Leroy describes, then the reprimand stands. If the drive is proven to take more than two hours, then I recommended to Tommy that he rescind the reprimand. HOWEVER, I advised Leroy that the first three warnings will remain on record and that the next infraction of tardiness WILL RESULT in a reprimand. He said he understood and seemed to have no problem with that approach.

What causes concern for me is that this "two hour" drive time has been in place for MORE than a year now and was put in place by the previous Party Chief, Joe King. Not one time has any individual in that crew ever mentioned that the drive time was not long enough. We will assess this carefully as Leroy's career could be adversely affected if the two-hour drive time is accurate. A reprimand is not given lightly because it is such a negative on one's grade sheet. An addendum will be attached on the results of the drive/test that Tommy has been instructed to do.

Within this entire subject is an included fact that Leroy was driving his personal vehicle those times he was late. I made sure he understood that if he chooses to drive his private vehicle (we furnish transportation in the Carryall), then he is obligated to arrive at the allotted time and for sure BEFORE the carryall. He said he understood. I also advised him that his privilege of driving his private vehicle could be revoked if he persisted in being late while driving his own vehicle. By his traveling in the Carryall, we can assure that he will arrive on time and his problem will be should be solved.

I warned Leroy that arriving at the parking lot on Mondays at 5:00 a.m. is mandatory and is not debatable. If a person arrives later than 5:00 a.m., then he is late. If the time for arrival at the Field Office is set at 7:00 a.m. by the Party Chief, and it is an accurate allotment, then if one arrives AFTER 7:00 a.m., he is late. Those are the rules and they are not up for question. He said he understood.

SUMMARY:

After having talked with Leroy as summarized above, I feel confident he now understands that Tommy and I are concerned about his lack of performance and his weaknesses in certain areas. One of the main things that I repeatedly suggested that he do concerning retaining training that Tommy provides, is to take good notes and refer back to them as needed. I feel confident that he now understands fully what is expected and how he needs to go about improving. I assured him that Tommy will be right there to help him with areas where he is weak. However, Leroy now understands that he is ultimately responsible for his performance, for his retention of knowledge. He is ultimately responsible for doing his best to at least meet standards required to earn the right to become a permanent employee in the Transportation Technologist classification at the end of the six month probationary period. I told Leroy that his "mid appraisal" (three months) was approaching in about a month and that we would reassess at that time. I told him that we would be meeting often if Tommy did not report vast improvements in all areas. He said he understood. I assured Leroy that it is our desire to see him improve and we will try our best to help him do that.

NOTE: As noted above, I am recommending to Tommy to delay submitting the written reprimand pertaining to tardiness until he makes the drive directly from Montgomery to Tuscaloosa. He is to leave at 5:00 a.m. sharp and be very conscious to drive the speed limit at all times and note the time it takes to make the trip. If the time is more than the allotted two hours, then the reprimand will be rescinded. If the drive proves to fall within the two hours, then the reprimand will become an official disciplinary action on Leroy Williams. Leroy had been explained this during the counseling session and he agreed to this approach.

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Joe E. Jones, Asst. Location Engineer, Field

Witness:

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Thomas L. Lewis, Party Chief

Cc: Mr. Don Arkle  
Mr. William Adams  
Mr. Thomas Lewis



## ALABAMA DEPARTMENT OF TRANSPORTATION

1409 Coliseum Boulevard, Montgomery, Alabama 36110  
P.O. Box 303050, Montgomery, Alabama 36130-3050

Telephone: 334-242-6311 FAX: 334-262-8041



Bob Riley  
Governor

J.D. McInnes  
Transportation Director

August 4, 2005

### MEMORANDUM

To: Leroy Williams  
Field Supervisor

From: Joe E. Jones,  
Asst. Location Engineer, Field

Re: Drive Time from Montgomery Office to Lewis Crew Tuscaloosa Field Office

Purpose: Verify drive time related to Leroy Williams Written Reprimand

In my counseling session with you dated July 28, 2005, I discussed with you the written reprimand given you by Mr. Thomas Lewis, Party Chief. Mr. Lewis, your immediate supervisor, had instigated the reprimand due to excessive tardiness. The fourth tardy involved you arriving late on a Monday morning after driving from Montgomery to Tuscaloosa. You stated that it took 2 hours and 25 minutes to make the drive which would make the reporting time 7:25 a.m. I directed Mr. Lewis to make this drive himself, under the same conditions you described (time and speed limit) and report back to me. If the drive proved to be more than the allotted 2 hours, I would instruct Mr. Lewis to rescind the reprimand. However, if the drive proved to be within the allotted 2 hours, the reprimand would stand. Below is the result of the drive made by Mr. Lewis:

On August 2, 2005, Tommy drove from the Montgomery office to his Tuscaloosa office. He left promptly at 5:00 a.m. and was consciously driving the posted speed limit on the different roads along the route. Tommy noted his trip as follows:

"I left Montgomery this morning at 5:00 a.m. stopped one time at the rest area for about 5 minutes and arrived here at the office in Tuscaloosa at 6:55 a.m. This was driving the speed limit all the way. I set the cruise at 55 mph when I got just north of Prattville and when I hit the 4 lane in Centerville I set it at 65 mph. The total distance is 106.5 miles from Office to Office. This is an average speed of 55.55 mph. In no way did I exceed the speed limit."

Based on this driving time test and his report, I am now advising Mr. Lewis to proceed with the written reprimand by submitting it as an official disciplinary action on tardiness. You have already been counseled by Mr. Lewis on this matter and advised of the charge. I have advised you, as noted in my counseling report, about the consequences of being tardy and went over the rules pertaining to the matter. I also advised you that this would affect your grade sheet because it would cause a seven point deduction in your upcoming grade on your Employee Performance Appraisal.

Cc: Mr. Don Arkle  
Mr. William Adams  
Mr. Thomas Lewis

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**LEROY WILLIAMS,**

**Plaintiff,**

**v.**

**2:06-cv-658-ID**

**STATE OF ALABAMA DEPARTMENT  
OF TRANSPORTATION and JOE  
McINNES, in his official capacity  
as Director of the State of Alabama  
Department of Transportation**

**Defendants.**

**AFFIDAVIT OF THOMAS W. LEWIS**

Before me, the undersigned notary public in and for the State of Alabama at Large, this day personally appeared Thomas W. Lewis, who being known to me and being by me first duly sworn, deposes and says on oath as follows:

My name is Thomas W. Lewis, I am a resident citizen of the State of Alabama and am over the age of nineteen (19) years.

I am presently an employee of the Alabama Department of Transportation (ALDOT) and was so employed at all times relevant to this lawsuit. At times relevant to this lawsuit I was assigned to the Design Bureau as a Transportation Technician and served as a Chief of Party.

Mr. Williams came under my direct supervision on, to-wit, May 16, 2005, after his promotion to Transportation Technologist. As a Transportation Technologist (also referred to as Field Supervisor), Mr. Williams was responsible for supervising a work crew comprised of Engineering Assistants, the position from which he had been promoted. The day that Mr. Williams reported to my office, we discussed the nature and responsibilities of his job, the scope of his authority, his work hours and the importance of being on time for the job. I discussed with

Mr. Williams his prior experience with the computer and he advised me that he knew a good bit about TerraModel, a program utilized by ALDOT.

Soon after he was assigned to me, I began notice deficiencies in Mr. Williams work. On May 17, 2005, I found that Mr. Williams had had a problem the previous day and counseled him to check his work to prevent errors. On May 24<sup>th</sup> I had showed Mr. Williams a new project and what work needed to be done on it. In checking the files on the project, we detected an error, Mr. Williams had been instructed on what was required but had failed to do as instructed. On June 2, 2005 I had to show Mr. Williams how to add and subtract angles and how to convert a bearing to an azimuth. On June 15, 2005, I had to tell Mr. Williams to check his work again to insure that he had sufficient information to perform the task. On July 6, 2005, I had to show Mr. Williams how to draw a line in Terra Model, how to draw points by station offset and how to load image files into the model. On July 18, 2005, I had to show Mr. Williams how to write out a points file. On July 19, 2005, I had to tell Mr. Williams to check his work after he had run approximately 3000 feet of traverse without checking the established reference point. On July 27, 2005, I had to explain to Mr. Williams how to draw an alignment up on the computer; the same problem that I had instructed him on July 6, 2005. The problems described above involve basic skills that an employee with Mr. Williams' experience should have possessed. On occasions, Mr. Williams did not carry out the instructions that I had given him. See Exhibit 1

Mr. Williams displayed an inability to supervise his crew and to insure that the crew carried out the tasks assigned to them. See Exhibit 1

On May 31, 2005, Mr. Williams arrived late for work and was counseled about arriving on time for work. See Exhibit 1.

On June 1, 2005, Mr. Williams failed to report to the location where he had been instructed to meet and failed to notify me as to his whereabouts. I verbally warned Mr. Williams regarding his failure to follow my instructions. See Exhibit 1

On June 3, 2005, Mr. Williams allowed his crew to leave work early, despite having been instructed that he did not have the authority to do so. I verbally warned Mr. Williams regarding his lack of authority to allow the crew to leave early. See Exhibit 1

On June 20, 2005, Mr. Williams was late for work. Again, I verbally warned Mr. Williams about the importance to be at work on time. See Exhibit 1

On July 25, 2005, Mr. Williams was late for work. At this point, I prepared a reprimand for repeated tardiness as this was the fourth time that Mr. Williams had been tardy for work and I determined that a pattern was developing . (See Exhibit 2).

Prior to issuing the reprimand, a counseling session was conducted by Joe Jones, Assistant Location Engineer, at which time all of the work deficiencies that I had found with Mr. Williams were discussed. (See Exhibit 3). One of the issues discussed was the latest tardiness which involved the travel time between our Montgomery office and our work location in Tuscaloosa. A two hour drive time had been established prior to my assignment to the position of Chief of Party and there had been no problems with employees making the drive in the required time. Mr. Williams insisted that the drive took him two hours and twenty-five minutes. Mr. Jones withheld the reprimand, but instructed me to make the drive, observing speed limits and report my time to him. On August 2, 2005 I left the Montgomery office at 5:00 a.m. and consciously observed the speed limits as posted arriving at the Tuscaloosa office at 6:55 a.m. I stopped at the rest area for approximately five minutes. I reported my findings to Mr. Jones. See Exhibit 4. Mr. Jones instructed me to proceed with the reprimand, which I did.



On August 11, 2005, I was reviewing the work done in the field on Wednesday, August 10, 2005 and became concerned that little progress had been made that day. I noted that Mr. Williams' crew had been late in getting set up that date and that insufficient field data had been collected. I went to Mr. Williams work site and called him aside to discuss this matter with him. I also discussed time management with him, as well as how he was taking his lunch breaks. Mr. Williams became argumentative with me and told me I was being picky and was harassing him. He then told me that if I didn't have anything else to say, he was going back to work. He then turned and started walking away. I told him that I was not finished. When I resumed the discussion, Mr. Williams again got up, accused me of harassing him and told me he was going to have to talk to someone else. He again began to walk away at which time I told him that if he walked away, I would write him up for insubordination. Mr. Williams ignored my warning, and walked away. This was unacceptable conduct by a subordinate so, I issued Mr. Williams a reprimand for insubordination See Exhibit 5.

Mr. Williams alleges that I belittled and harassed him on account of his race. I deny these allegations. My dealings with Mr. Williams were strictly professional. Mr. Williams performance on the job, as a supervisor, were deficient. As a Transportation Technologist, he lacked basic skills that he should have acquired during his tenure as an Engineering Associate II/III; his responsibility as a Transportation Technologist/Field Supervisor was to supervise EA's

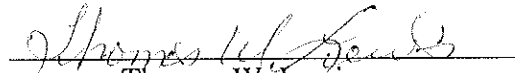
As stated above, Mr. Williams had been tardy on several occasions which I felt was unacceptable for a Field Supervisor, particularly during his probationary period. Likewise, his failure to follow instructions and his insubordinate conduct toward me was unacceptable.



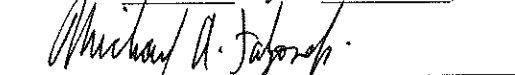
As I also understand, Mr. Williams complains that he was retaliated against for having filed a grievance complaining about his being discriminated against. I had no knowledge of any grievance that Mr. Williams had filed prior or during the time that I supervised him.

FURTHER THE AFFIANT SAITH NOT.

I signed this affidavit on 3/01, 2007 in Montgomery, Alabama.

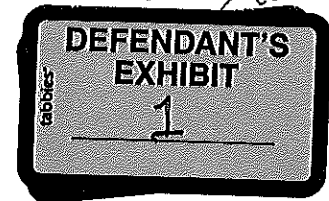
  
Thomas W. Lewis

SWORN TO AND SUBSCRIBED before me on this 1st day of March, 2007.

  
Notary Public, State at Large

My Commission Expires: 9/18/2007

Mr. Leroy Williams  
Work Performance  
Counseling Session  
July 28, 2005



A Not Following directions

1 May 16<sup>th</sup>, 2005, the first day you reported to this office we all sat down and discussed that you, as a supervisor, do not have the authority to let people off with out my approval. We also discussed work times, and the importance of not being late.

a. Work Times

1. On May 16<sup>th</sup>, we discussed what the work times were:  
5:00 a.m. to 5:00 p.m. Monday  
7:00 a.m. to 5:00 p.m. Tuesday and Wednesday  
7:00 a.m. to 7:00 p.m. Thursday.

b. May 24<sup>th</sup> I took you out and showed you the new project and what work we need to do. I explained when working around the Interchanges you should not set radial points with out checking them for accuracy. When we started checking our files an err was found. After going back checking I realized that you had set radial points to work off of. I told you go run a closure loop on the points, not once but twice before you did it the way I had told you to

c. Tuesday, May 31<sup>st</sup> you came into the parking lot in Montgomery 5 minutes late. On this same date, I instructed you to meet with me in the parking lot of the motel at 7 a.m.

d. Wednesday, June 1<sup>st</sup> you were not at the motel parking lot, where I had instructed you to be the day before. You took this upon yourself not to follow my instructions and you did not notify me of this. You informed Rodney instead of your supervisor. I do not know where you were, so as far as I'm concerned you were late that day also.

e. Thursday, July 28<sup>th</sup>, you let everyone go at 1:00 p.m. with out my approval, then you told me you let them go at 2:00 p.m. This is insubordination.

June 30

written by  
T. Lewis

B. Checking you work

I have told you time and time again time again about checking your field work. It's the only way you can be efficient. All of this could still fall under not following directives

1. On May 17<sup>th</sup>, I found out you had had a problem the day before. I told you needed to be checking your work to keep things like that from happening.
2. June 15<sup>th</sup>, I had to tell you to check your work again to see if you had the sufficient information that was needed to cover the area in question.. I explained to you that all you had to do was load the information that you had gathered and see if it covered the area properly.
3. July 19<sup>th</sup>, once again I had to tell you to check your work after running some 3,000 ft of traverse without checking a previously established point. I explained that all you have to do is load one of the previously established coordinates and stake it out to find a point and see how much you have missed it. I have provided you with a laptop to keep in the truck to do this with. You have the files on the computer with this information. This is a tool that you need to use. Even as I was telling you this, you were telling me the information you were gathering was good "it looks good when I downloaded it. It must be good. After I made you go back and check the traverse what did you find? You found you had over a 1 foot err. Now you have spent almost 2 days trying to find the err. This is time wasted.

C. Working Skills

g. Computer Skills

1. May 16<sup>th</sup>, the day that you first started on this job, I asked you what kind of experience you had with the computer. You stated that you had been a data editor and you knew a good bit about terra model.
2. July 6<sup>th</sup>, I had to give you a lesson on how to draw a line in terra Model and how to draw points by station offset. I have also had to show you how to load image files into model. These are basic skills in model that one of your standing should already know.
3. Monday, July 18<sup>th</sup> I had to show you how to write out a points file in a station offset format, but yet you told me that you were a data editor and you knew a good bit about the program.
4. July 27<sup>th</sup>, I had to explain how to draw an alignment up on the computer. This is the same thing I had to show you back on July 6<sup>th</sup>. How to draw a line. The problem I saw on this day was. You had the information to draw the alignment with, but you did not know how to retrieve the information. The Terramodel file you

written by  
T. Lewis

had open had a layer *Isolated* hiding all other layers with the information you were looking for. Evening after working with this file many times you did not recognize the information you had worked with in the past was not showing up.

h. Math skills

- ✓ 1. On June 2<sup>nd</sup>, I had to show you how to add and subtract angles. I also had to show you how to convert a bearing to an azimuth. I actually had to draw you a diagram to show you how to do this.

i. Managing you workers

- ✓ 1. You have come to me and said the reason you don't get as much work done as I think you should is because of the people you supervise. You say that they don't know what to do. You said to me that the men should know they need to cut the stub down low, so you think you don't have to tell them to do this. I tell you its not that they don't know this, it's that they are not going to do it unless you tell them to. It is easier to cut them up high. If you can't the worker's that you supervise to get the job done, then you are not doing your job as a supervisor. You can't take this personally it's a job and it has to be done correctly. It is your job to tell them to cut the stub down low. Don't assume that they should already know to do this. At some point you have to let these people know you mean business.

j. Training your workers

- ✓ 1. I have been confronted by one of your subordinates that they can't go to you and ask how to do something. They say that you want take the time to explain it to them where they can understand it. Now this employee has to go to some one else to learn the task. There again training employees is a skill you have to have in order to be a supervisor.

l. Prejudges

- a. Accusing me of being prejudices will not be tolerated.
- b. Nothing I have said to you has been in a prejudice manner.
- c. We all must learn to communicate in a professional manner and that is the way I was speaking to you.
- e. When you are a supervisor, you must learn how to speak to your employees and your employers, especially those that are over you. You are to treat your superiors just as what they are, supervisor.

*written by:  
T. Law*

- f. Telling me the reason we are in a racial lawsuit is because we did not train employees is not an appropriate way to talk to your superior and it will not be tolerated.

II. Transfers

- a. There will be no transfers from the crew you are with now, at least not for the reason that you gave me earlier.
- b. Just because you think I'm being too hard on you is not reason enough to be asking for a transfer.

Summary

It has become an every day thing. I have to show you how to do some minor task in Terramoldel, how to run a closure loop, how to set up files to work with. I am spending so much time trying to train you to do your job, I have to work late just to complete my work. I could understand spending this much time training a new Supervisor that had no experience in surveying. But you have been exposed to so much information in the past working with the Location Section along with the other Sections. I can not understand why you have not learned these skills in the past.

In the interview with Mr. Jones, you told him you had the skills to be a supervisor. When you came out to the field you told me you had the skills to be a supervisor. Now, you are being held responsible for your work as a supervisor and you want to tell me you were not trained in the skills you need to be a supervisor. I know the people you worked under as a rodman, instrument operator, and data editor. I don't think it was that you weren't taught these skills, and I don't think you took it upon yourself to learn the skills that you were exposed to. In the event of this, now you are blaming every one else for your lack of skills. That to me, is not an excuse. If you want to continue being a supervisor you must improve your skill. There is a big gap between where you are now and where you need to be between now and the end of your probation. If you don't improve as much as need to your probation could be extended or you could be released. I want you to understand this is a serious matter and one you need to work hard on. I will work with you as much as I can to help you improve your skills but in the end it's up to you to learn and show me you can be a supervisor.



## ALABAMA DEPARTMENT OF TRANSPORTATION

Design Bureau

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Phone: 334-242-6178 FAX: 334-269-0826



Bob Riley  
Governor

Joe McInnes  
Transportation Director

July, 26 2005

### MEMORANDUM

To: Leroy Williams, Transportation Technologist  
Field Supervisor

From: Thomas W. Lewis  
Chief of Party

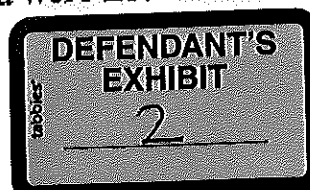
RE: Reprimand for Repeated Tardiness

Mr. Williams, on Monday, July, 25 2005 you reported to this office in Tuscaloosa at 7:14a.m. You are given 2 hours of driving time from the Montgomery office to this office. Your reporting time in Montgomery is 5:00am and therefore if your report to the office here in Tuscaloosa any time after 7:00am you are considered late for work (tardy).

This is the 4<sup>th</sup> time you have been tardy since May, 16<sup>th</sup> 2005, the day you were assigned to this crew. Please refer to the following:

Occasion One: On Wednesday June, 1 2005 you reported to the parking lot in Montgomery at 5:05a.m. which was 5 minutes late. At that time I informed you that being tardy was unacceptable. This was a verbal warning.

Occasion Two: The very next day I instructed the crew to meet in the parking lot of the motel where everyone was staying in Auburn. You did not report at that location and I had to be told by another crew member where you were. That in itself is an infraction because you did not do as instructed. All other crew members reported just as I had instructed. I told you on that day you were late, because you were not where I told you to be at 7:00a.m. I





explained if you were late again you would be subject disciplinary actions. This was a second verbal warning.

Occasion Three: On Monday, June 20<sup>th</sup> you did not arrive at the office in Tuscaloosa until 7:30a.m. You called me that day and told me your stomach was bothering you. Even though you told me you were sick you went on out and worked the rest of the day like there wasn't anything wrong. I explained to you the importance of being on time to set an example for the crew members you supervise. This was a third verbal warning and a pattern had developed.

Occasion Four: And now on Monday, July 25<sup>th</sup>, you did not report to the office here in Tuscaloosa until 7:14a.m. You did not notify me even as I talked with you on the Southern Line BEFORE 7:00a.m. That in its self is grounds for a Reprimand. I am mystified as to why you did not mention to me that you were going to be late because you should have been very aware that being tardy is not acceptable.

The policies set down by our department plainly state that you must notify your supervisor if you are going to be late and that excessive tardiness will not be tolerated.

Consider this written reprimand as the next step in the disciplinary process concerning your being tardy. The first steps included the verbal warnings already mentioned. Also consider this as a warning that the next time you are tardy you will be charged LWOP and you will receive another discipline (possibly another reprimand and/or a suspension).

This is a very serious matter and it will be reflected on your next grade sheet. I trust you understand that you must adhere to the rules set forth by the Department or you can cause serious injury to your career. I should also remind you that you are still in the early stages of your six-month probationary period as a Transportation Technologist and this type of behavior is detrimental to your being assessed as a dependable employee. And certainly as a Field Supervisor, you should be setting the example for the subordinates in your crew.

Thomas W. Lewis  
Chief of Party





# ALABAMA DEPARTMENT OF TRANSPORTATION

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Bob Riley  
Governor

J.D. McInnes  
Transportation Director

July 28, 2005

## MEMORANDUM

### Counseling Session

Leroy Williams, Transportation Technologist  
Field Supervisor

Re: Probationary Performance Concerns

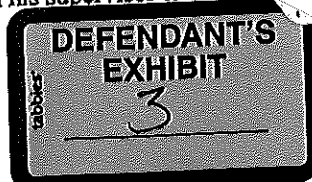
On this date, a counseling session was held with Leroy Williams, referenced above. Also present was Mr. Thomas Lewis, Party Chief, who is Leroy's immediate supervisor. My concerns involved several areas that were well documented by Mr. Lewis (see attached). I felt it necessary to immediately discuss those concerns with Leroy so that he could concentrate on improving in those areas. I will refer to Mr. Williams as Leroy and Mr. Lewis as Tommy.

Leroy was promoted to Transportation Tech as a Field Supervisor and reported to Tommy on May 16, 2005. Leroy is presently being assessed during his six month probationary period and is now at his second month in the classification/job. Tommy has been keeping me informed on Leroy's progress or lack thereof. After two months, it has become obvious to me that Leroy is lacking in many areas as a Field Supervisor and this has me concerned. The following is a summation of the meeting and of the notes used for the session:

### Working Skills

Leroy shows a definite weakness in math skills as related to surveying. For example, he was unable to calculate angles, azimuths until Tommy showed him how. Leroy told me he now knows how and can do them easily. My concern is that he writes all these things down as he is taught because he may forget. Since he has had high school geometry, three courses in geometry through the ALDOT, one course in trigonometry through the ALDOT, and several years in Location Surveying, I would have assumed that he would have garnered these skills necessary to do the job. I advised Leroy that he had to concentrate on improving these skills and that he should ask Tommy for hands on training. I also advised Leroy to take good notes and KEEP them to refer to so that he is not susceptible to losing the skill through a lack of good memory. We cannot have a crew standing around for an extended time because Leroy is spending too much time doing a calculation or is wasting time because Leroy doesn't know how to do a needed calculation.

He shows a lack of skills concerning checking his work in the field to ensure accuracy. Tommy had to instruct him several times about this and even to the point of demanding that he do the "checks". Leroy had been argumentative with Tommy concerning this directive which is unacceptable. There have been errors made that have caused a waste of time already because Leroy did not do as he was told. This is a common knowledge skill that Leroy should have learned through the years he has worked in a crew. I advised Leroy that he is being held responsible for doing the work accurately and timely....and for sure, to check his work if for no other reason than his supervisor told him to. I advised him to glean knowledge and



direction from Tommy on all work because Tommy has many years of experience as a Field Supervisor and is one who has a vast knowledge of Location Surveying procedures.

He shows a severe lack of skills in working with Terramodel. Even though this is not a highly required skill to be a good Field Supervisor, it is desirable. Since Leroy had been a Data Editor for over a year, I would have assumed that he had a pretty good working knowledge of Terramodel and could build basic alignments and/or retrieve data as needed. According to Tommy, this is not the case. Leroy had advised Tommy on his first day that he knew Terramodel and had a good understanding. Leroy noted on his resume and his application that he worked in the Data Editor job for a good while. I have advised Leroy to ask either Tommy or the Data Editor in the crew to show/teach him what he needs to know to work efficiently in the program...and to be able to find and retrieve data as needed without delaying the work process. I again advised making good notes and hanging on to them for reference in the future.

From discussions with Tommy over the last two months, I am concerned that Leroy does not have a really good grasp of what is required on a survey, even on a daily basis. Once again, Leroy should have accumulated enough knowledge and experience over his years in a survey crew to make him highly efficient and skilled and knowledgeable about what is needed to complete a survey. This is not the case according to the overall operations that Tommy has been reporting to me. Tommy says he is having to work late many nights just to catch up on his work because he is spending so much time teaching/showing Leroy how and what to do. Also, Tommy says he is spending too much time checking and correcting errors made in the field due to bad procedures. Again, Leroy told me in his interview that he was a better qualified candidate for the job because of his experience in Location Surveying AND because of the training that had been offered by the ALDOT. Leroy is not exhibiting the qualities that I expected from him because of his experience he talked about. I advised Leroy that the lack of knowledge pertaining to what is needed on a daily basis is a surprise to me after having interviewed him and having read his resume. I told him he needed to concentrate really hard on getting a better feel for what is required by asking questions and communicating closely with Tommy and the Data Editor. If he will do this, progress will not be hampered due to "floundering" caused by his ineptness. Once again, I advise Leroy to take good notes and then hang on to them for reference.

Leroy shows a lack of management skills in that he cannot effectively supervise his subordinates. Leroy stated to Tommy that he was not getting as much work done as he could "...because his people didn't know what to do." I told Leroy that correcting this problem was his job. As a field supervisor, and according to his form 40, one of his tasks is to train subordinates so the surveys are done efficiently and accurately and without delay. I advised Leroy that he must separate himself from the "worker" mentality and become more aggressive in the supervision and training aspect of the job. If the subordinate doesn't know what to do, then he must show him. If the subordinate doesn't perform well or is "dragging around" then he must approach that individual and square him away. One of the subordinates even complained to Tommy that they couldn't get Leroy to explain things to them. That subordinate then would have to ask somebody else how to do a certain chore. I advised Leroy to be focused on his subordinates' weaknesses and do all that he can to teach them. The very least Leroy should do is make sure that he communicates clearly to them what it is he wants them to do at any given time. After a while, they too will be expected to catch on and do their work without specific and continuous directives when performing redundant tasks.

#### **Doesn't Follow Directives**

This concerns me greatly. Tommy noted several directives that he had given Leroy at different times and that Leroy had ignored them or did not react to them. (see attachments). This is not acceptable. I informed Leroy that if Tommy gives a directive and it is not illegal or harmful, then he must do his best to do exactly what was told him. If he ignores or simply does not do what the supervisor asks or directs, then he actually is being insubordinate. I made sure Leroy understood that insubordination is one of those things that can cause termination on the FIRST offence. I asked Leroy if he would allow a subordinate to ignore or disobey a directive. He answered "No". He then seemed to understand that he should be then cooperative with Tommy and do as he directed EVERY time. I told Leroy that if he did not agree with the directive, not to ignore it, but go ahead and do it. THEN, while alone with Tommy, voice his suggestion that the task be done a different way. Tommy may not change his mind but then again, he might.

Example: Leroy said he did not hear one of the directives to meet at a motel on a particular morning (see attachment). Since ALL other crew members heard the directive, and even the man sitting beside Leroy heard the directive, it is a mystery to me how he did not hear it as well. It seems to me that Leroy simply wanted to do what HE wanted to do and ignored the directive. This is not acceptable. I advised Leroy that he must always be cooperative and do what he is told. Since he is the Field Supervisor, he must be the FIRST to set the example for the rest. I also told Leroy that it is his responsibility to be informed EVERY day as to matters such as this. It is a shame that all subordinates reported as instructed and Leroy, the Field Supervisor, did not.

### **Tardiness**

We discussed all FOUR times Leroy has been noted as arriving for work late by Tommy. Leroy did not deny that he was late but only that he was not as late as Tommy had noted. I advised Leroy that the amount of time he is late is not the issue but, rather, the fact that he was late is the issue. First, his being the second in charge of a crew as a supervisor demands that he set the example by NEVER being late and certainly not being late often. I made sure he understood that work rules are to be adhered to without question. Being tardy is not acceptable and will be dealt with swiftly if a pattern develops...which in Leroy's case, the pattern has developed. Secondly, since every crew works as a "unit", it is imperative that all members be at work on time or the whole crew suffers.

Since Leroy had been warned THREE previous times about tardiness infractions, Tommy gave a written reprimand the fourth time when Leroy arrived at the office late on Monday morning (see attached reprimand for details). However, because Leroy stated that the allotted drive time from Montgomery to Tuscaloosa is not a reasonable drive time, I have asked Tommy to withhold the reprimand UNTIL he personally makes the drive himself under the same conditions that Leroy made. Leroy says the drive takes 2 hours and 25 minutes if you drive the speed limit. The difference in the drive time allowed and what Leroy says it takes is roughly 25 minutes. The allotted time is two hours but Tommy tells me the crew is always there on Mondays around 6:40 to 6:50 a.m. If this is true, then according to Leroy, the crew has to be driving at a high rate of speed and this is not acceptable. If Tommy proves the drive to be less than two hours under the same conditions that Leroy describes, then the reprimand stands. If the drive is proven to take more than two hours, then I recommended to Tommy that he rescind the reprimand. HOWEVER, I advised Leroy that the first three warnings will remain on record and that the next infraction of tardiness WILL RESULT in a reprimand. He said he understood and seemed to have no problem with that approach.

What causes concern for me is that this "two hour" drive time has been in place for MORE than a year now and was put in place by the previous Party Chief, Joe King. Not one time has any individual in that crew ever mentioned that the drive time was not long enough. We will assess this carefully as Leroy's career could be adversely affected if the two-hour drive time is accurate. A reprimand is not given lightly because it is such a negative on one's grade sheet. An addendum will be inserted below on the results of the drive/test that Tommy has been instructed to do.


Within this entire subject is an included fact that Leroy was driving his personal vehicle those times he was late. I made sure he understood that if he chooses to drive his private vehicle (we furnish transportation in the Carryall), then he is obligated to arrive at the allotted time and for sure BEFORE the carryall. He said he understood. I also advised him that his privilege of driving his private vehicle could be revoked if he persisted in being late while driving his own vehicle. By his traveling in the Carryall, we can assure that he will arrive on time and his problem will be should be solved.

I warned Leroy that arriving at the parking lot on Mondays at 5:00 a.m. is mandatory and is not debatable. If a person arrives later than 5:00 a.m., then he is late. If the time for arrival at the Field Office is set at 7:00 a.m. by the Party Chief, and it is an accurate allotment, then if one arrives AFTER 7:00 a.m., he is late. Those are the rules and they are not up for question. He said he understood.

### **SUMMARY:**

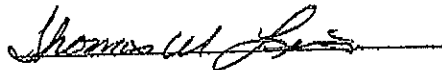
After having talked with Leroy as summarized above, I feel confident he now understands that Tommy and I are concerned about his lack of performance and his weaknesses in certain areas. One of the main things that I repeatedly suggested that he do concerning retaining training that Tommy provides, is to take good notes and refer back to them as needed. I feel confident that he now understands fully what is expected and how he needs to go about improving. I assured him that Tommy will be right there to help him with areas where he is weak. However, Leroy now understands that he is ultimately responsible for his performance, for his retention of knowledge. He is ultimately responsible for doing his best to at least meet standards required to earn the right to become a permanent employee in the Transportation Technologist classification at the end of the six month probationary period. I told Leroy that his "mid appraisal" (three months) was approaching in about a month and that we would reassess at that time. I told him that we would be meeting often if Tommy did not report vast improvements in all areas. He said he understood. I assured Leroy that it is our desire to see him improve and we will try our best to help him do that.

NOTE: As noted above, I am recommending to Tommy to delay submitting the written reprimand pertaining to tardiness until he makes the drive directly from Montgomery to Tuscaloosa. He is to leave at 5:00 a.m. sharp and be very conscious to drive the speed limit at all times and note the time it takes to make the trip. If the time is more than the allotted two hours, then the reprimand will be rescinded. If the drive proves to fall within the two hours, then the reprimand will become an official disciplinary action on Leroy Williams. Leroy had been explained this during the counseling session and he agreed to this approach.



Joe E. Jones, Asst. Location Engineer, Field

Witness:



Thomas L. Lewis, Party Chief

Cc: Mr. Don Arkle  
Mr. William Adams  
Mr. Thomas Lewis





## ALABAMA DEPARTMENT OF TRANSPORTATION

1409 Coliseum Boulevard, Montgomery, Alabama 36110  
P.O. Box 303050, Montgomery, Alabama 36130-3050

Telephone: 334-242-6311 FAX: 334-262-8041



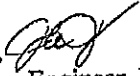
Bob Riley  
Governor

J.D. McInnes  
Transportation Director

August 4, 2005

### MEMORANDUM

To: Leroy Williams  
Field Supervisor

From: Joe E. Jones,   
Asst. Location Engineer, Field

Re: Drive Time from Montgomery Office to Lewis Crew Tuscaloosa Field Office

Purpose: Verify drive time related to Leroy Williams Written Reprimand

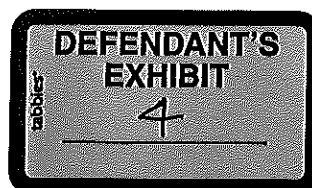
In my counseling session with you dated July 28, 2005, I discussed with you the written reprimand given you by Mr. Thomas Lewis, Party Chief. Mr. Lewis, your immediate supervisor had instigated the reprimand due to excessive tardiness. The fourth tardy involved you arriving late on a Monday morning after driving from Montgomery to Tuscaloosa. You stated that it took 2 hours and 25 minutes to make the drive which would make the reporting time 7:25 a.m. I directed Mr. Lewis to make this drive himself, under the same conditions you described (time and speed limit) and report back to me. If the drive proved to be more than the allotted 2 hours, I would instruct Mr. Lewis to rescind the reprimand. However, if the drive proved to be within the allotted 2 hours, the reprimand would stand. Below is the result of the drive made by Mr. Lewis:

On August 2, 2005, Tommy drove from the Montgomery office to his Tuscaloosa office. He left promptly at 5:00 a.m. and was consciously driving the posted speed limit on the different roads along the route. Tommy noted his trip as follows:

"I left Montgomery this morning at 5:00 a.m. stopped one time at the rest area for about 5 minutes and arrived here at the office in Tuscaloosa at 6:55 a.m. This was driving the speed limit all the way. I set the cruise at 55 mph when I got just north of Prattville and when I hit the 4 lane in Centerville I set it at 65 mph. The total distance is 106.5 miles from Office to Office. This is an average speed of 55.55 mph. In no way did I exceed the speed limit."

Based on this driving time test and his report, I am now advising Mr. Lewis to proceed with the written reprimand by submitting it as an official disciplinary action on tardiness. You have already been counseled by Mr. Lewis on this matter and advised of the charge. I have advised you, as noted in my counseling report, about the consequences of being tardy and went over the rules pertaining to the matter. I also advised you that this would affect your grade sheet because it would cause a seven point deduction in your upcoming grade on your Employee Performance Appraisal.

Cc: Mr. Don Arkle  
Mr. William Adams  
Mr. Thomas Lewis





## ALABAMA DEPARTMENT OF TRANSPORTATION

*Design Bureau*

1409 Coliseum Boulevard, Montgomery, Alabama 36110  
P. O. Box 303050, Montgomery, Alabama 36130-3050  
Phone: 334-242-6178 FAX: 334-269-0826



*Bob Riley*  
Governor

*Joe McInnes*  
Transportation Director

August, 11 2005

### MEMORANDUM

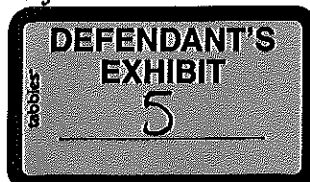
To: Leroy Williams  
Transportation Technician  
Field Supervisor

From: Thomas W. Lewis  
Transportation Technician  
Chief of Party

RE: Reprimand for Insubordination

Mr. Williams, on Thursday morning August 11<sup>th</sup> 2005, I was reviewing the work the crew had done in the field on Wednesday August 10<sup>th</sup> 2005. I was very concerned when I found so little progress had been made in the field that day. As you know, this project is a high priority job and its deadline is fast approaching. The completion of this project, on time, is a must and we must do what we can to prevent any unnecessary delays.

While in the process of reviewing the raw data file, I found that it was 9:19 a.m. before the first setup was made that morning. I also found that only three cross sections were taken from 9:19 a.m. to 11:15 a.m. (that is allowing 20 minutes to take the last 6 shots in the file.) The file shows that only 1 hour 45 minutes was spent collecting field data from 7:00 a.m. to 11:15 a.m. (that is allowing 20 minutes to take the last 6 shots in the file.) I decided to take a look at the area in question again to see if I could determine the cause of the delay. I was very concerned with what I found. The area in question had break lines that had not been shot and large areas that were not covered densely enough to correctly show the contours. This is when I came to you to discuss this matter. I called you aside to show you the break lines that



needed to be shot. I walked you around the ridge and showed you the toes that need to be shot. I explained that as an alternative of working off the centerline points, you could have set one remote to cover the majority of the area in question, saving valuable time.

I also talked to you about time management. I explained that if you stop at a store on the way out to the job site, you just took your morning break. I asked you about your lunch hour. You explained that your lunch hour began when you got to the truck and ended when you got back out of the truck. I then explained that this was not correct. Lunch started when you finished in the field. The walk out of the woods was part of your lunch hour. At this point you began to question my interpretation of the lunch hour. I explained that this was set down by the department, not me. You then began to become argumentative. You told me I was just being picky and I was just looking for something to harass you about. You then told me if I didn't have anything else to say you were going back to work. You turned and started to walk away. I told you not to walk away that I was not finished. You then told me "if you are going to talk to me I'm going to sit down and then you can talk." I started to explain that the progress made on Wednesday was unacceptable. Then you jumped up and started saying I was harassing you and not letting you do your job and you were going to have to talk to someone about it. You told me you were working hard and doing a good job. You also told me you could not work like this. You again started to walk away I told you "Leroy, if you walk away I am going to write you up for insubordination. Do you understand?" But you walked away with out me having the opportunity to explain why it was unacceptable.

It is very discouraging to see a supervisor on probation have so little respect for his supervisor, that he walk away when there is clear concern about the progress of the project. The loss of any time on this project is detrimental to the deadline being met. I have tried to impress the importance of time management and accuracy on this project. I have spent time with you trying to share my experience and knowledge with little results. I have explained rules that you question. I have spent time in the field with you trying to show you the most efficient way to produce highly accurate maps. But, the product you turn in on a daily basis consistently has errors, and is lacking in quantity.

The only reason I can find for this is, mismanagement of your time, and inability to lead your people properly. This does not only affect you, but it reflects upon the entire crew. Your work performance does not reflect the




experience that you have indicated or the experience you suggest you have acquired while working with other crews in the Location Section.

Mr. Williams, it is with regret that it has come down to reprimanding you for insubordination, but you walking away from me or any other supervisor when there are such critical issues to confront and discuss is unacceptable and will not be tolerated. This being the second reprimand in the past month along with you still on probation is very disturbing. It shows a pattern of disregard for your job. As a supervisor, it is your job to set an example for your subordinates; this is not setting a good example. You have to realize this will not be allowed to continue.

In this situation I am at a loss at what punishment to suggest. The severity of your actions could have more than one form of punishment. You could receive this letter of reprimand; receive the letter of reprimand plus a suspension, demotion, or dismissal, on the first offence of insubordination.

At the least, this letter will go into your personnel records and an additional 7 points will be subtracted from your next performance appraisal. I would like to suggest at the least, a suspension be imposed, but I would like my supervisor to review this matter and ask him for a recommendation. Again, I regret having to reprimand any employee, but your actions as a supervisor, warrant strong disciplinary action.



Thomas W. Lewis  
Transportation Technician  
Chief of Party

Cc: William Adams  
Joe E. Jones  
Location file

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**LEROY WILLIAMS,**

**Plaintiff,**

**v.**

**STATE OF ALABAMA DEPARTMENT  
OF TRANSPORTATION, JOE MCINNES,  
in his official capacity as Director of the  
State of Alabama Department of  
Transportation,  
Defendants.**

**CASE NO. 2:06-cv-658-ID**

**STATE OF ALABAMA**

**COUNTY OF MONTGOMERY**

**AFFIDAVIT**

Before me, the undersigned Notary Public, personally appeared Ron Green, who is known to me, and who being first duly sworn by me, deposes and states as follows:

“1. My name is Ron J. Green. I am over the age of nineteen years and have personal knowledge of the facts set forth in this affidavit.

2. I am employed by the Alabama Department of Transportation. As Executive Assistant from January 1999 to February 2005, I was responsible for administrative oversight of the Human Resources Bureau and the Personnel Bureau. Additionally, I served as Personnel Director of the Personnel Bureau from August 2000 until February 2006 at which time the Human Resources Bureau and Personnel Bureau were merged to form the Personnel and Compliance Bureau. Since the merger, I have served as Bureau Chief of the Personnel and Compliance Bureau. Since January 1999, I have been responsible for administrative oversight of

all functions of the Department related to personnel and compliance with all ALDOT EEO programs, including Title VI and Title VII.

3. I am thoroughly familiar with the Alabama Department of Transportation complaint/grievance guidelines, attached hereto as Exhibit 1. Under this complaint/grievance set of guidelines, an employee files their complaint or grievance with the Alabama Department of Transportation's Bureau of Human Resources and the matter would be investigated.

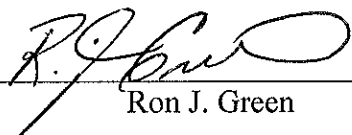
4. I have reviewed the personnel file of Leroy Williams which contains two complaints/grievances filed in accordance with the complaint/grievance guidelines.

5. The complaint form attached hereto as Exhibit 2 was never filed with the Human Resources Bureau nor was it given to me by Leroy Williams or anyone else.

6. Neither the Department nor I have any record, knowledge or recollection of the complaint form attached hereto as Exhibit 2."

**FURTHER THE AFFIANT SAYETH NOT.**

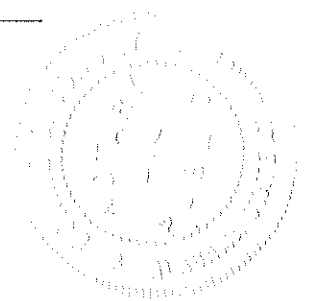
I signed this affidavit on March 1, 2007 in Montgomery, Alabama.

  
\_\_\_\_\_  
Ron J. Green

SWORN TO AND SUBSCRIBED before me on this 1<sup>st</sup> day of March, 2007.

  
\_\_\_\_\_  
Notary Public, State at Large

My Commission Expires: 6/16/10



G

STATE OF ALABAMA TRANSPORTATION DEPARTMENT  
COMPLAINT/GRIEVANCE GUIDELINES

Statement of Authority

These EEO complaint/grievance guidelines have been developed pursuant to Title VII of the Civil Rights Act of 1964 and Executive Order 11246 as amended in Executive Order 11375 of 1972.

Coverage

**Grievances** - The Department will accept a grievance from any non-probationary employee who believes that he/she has been adversely affected by work assignments, working conditions or other employment factors.

**Complaints** - The Department will accept a complaint from any aggrieved person who believes that he/she has been discriminated against by actions or omissions of the Department because of race, color, religion, national origin, disability, sex or age.

Definitions

**Aggrieved person:** any person with an alleged grievance or discrimination complaint.

**Complainant:** any aggrieved person who files a written complaint with the State of Alabama Transportation Department.

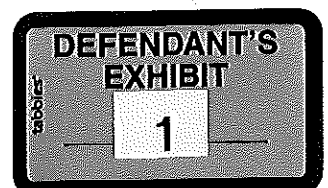
**Complaint:** the formal notification of alleged discrimination to the proper authority. The complaint should contain enough information to permit an investigation. The complaint is considered filed when it is delivered to the proper official or office.

**Department:** the State of Alabama Transportation Department.

**Discrimination:** any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial and/or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, color, religion, national origin, handicap, sex, or age.

**EEO Counselor:** an employee designated within the State of Alabama Transportation Department who will attempt to resolve alleged complaints of discrimination on an informal and confidential basis.

**Grievance:** any matter which adversely affects the employment or position of a non-probationary employee or a group of employees, and which is within the administrative discretion or control of the appointing authority of the department. Where evidence exists that the matters of grievance were created by political or religious opinions or affiliations or due to any other



non-merit factor, an employee or employees may file a grievance using the Grievance Guidelines or they may appeal such matters for which an appeal is provided by Merit System Law to the State Personnel Board.

#### Statement of Purpose

The State of Alabama Transportation Department is an Equal Employment Opportunity agency. This means that the Transportation Department pledges to swiftly and affirmatively eliminate any discrimination that may exist.

The Department's complaint/grievance guidelines were developed and implemented based on the belief that all employees should be treated in an equitable and impartial manner. Enforcement of this belief helps contribute to a sound personnel management system in addition to complying with federal and state laws.

The purpose of these guidelines is to:

1. Assure that any aggrieved person shall be afforded an immediate and fair method for the resolution of job-related problems that may arise within the State of Alabama Transportation Department.
2. Provide the opportunity for any aggrieved person to informally and confidentially discuss individual problems outside of administrative channels.
3. Provide an EEO Counselor who will be responsible for counseling aggrieved persons and assuring that all activities conducted in this capacity be free from interference, coercion, reprisal, discrimination or any other form of retaliation.
4. Encourage any aggrieved person to seek acceptable resolutions of alleged complaints from within the established guidelines.
5. Provide any aggrieved person with a working knowledge of the difference between discrimination complaints and grievances.

#### Scope of the Complaint/Grievance Guidelines

These complaint/grievance guidelines shall apply to covered employees of the State of Alabama Transportation Department or any aggrieved person seeking agreeable resolutions to alleged grievances and/or complaints of discrimination.

#### I. Complaints of Discrimination

##### Informal Complaint Guideline

Any aggrieved person who believes he/she has been discriminated against because of race, color, religion, national origin, handicap, sex or age should contact the State of Alabama Transportation Department's Bureau of Human Resources within thirty (30) working days of the alleged incident.

The complaint will be reviewed to determine if it is a grievance or discrimination complaint. If it is determined to be a discrimination complaint, the Bureau of Human Resources will within fifteen (15) working days instruct the aggrieved person as to the correct and appropriate steps to follow in resolving the complaint. If it is determined that the complaint is actually a grievance instead of a form of discrimination, the aggrieved person will be informed of the proper grievance guidelines.

If it is determined that the complaint alleges some form of discrimination based on race, color, religion, national origin, disability, sex or age, the Bureau of Human Resources will then inform the EEO Counselor of the pending complaint so that the informal complaint investigation process can begin. The EEO Counselors have been selected and trained for each Division and Central Office Bureau.

The informal complaint investigation process involves the EEO Counselor having discussions with the complainant and other appropriate individuals and associates to attempt to find an acceptable resolution to the problem. The EEO Counselor will attempt to informally resolve the complaint within twenty (20) working days of being notified by the Department's Bureau Chief of Human Resources. During this period, the EEO Counselor will not only counsel and inform the aggrieved person of his/her rights, but also keep all discussions confidential and maintain a record of all ongoing activities regarding the complaint.

If a complainant is satisfied with the results achieved by using the informal complaint guidelines, then the EEO Counselor will advise the Bureau Chief of Human Resources of this fact, as part of the monthly counseling report that is submitted to the Bureau of Human Resources.

#### Formal Complaint Guideline

If a complaint raised by the aggrieved person is not resolved to the satisfaction of the complainant after seeking an acceptable resolution through the informal complaint guidelines, the complainant then has five (5) working days after being notified in writing by the Division or Central Office Counselor of the proposed resolution to contact the Bureau Chief of Human Resources for the purpose of requesting that a formal investigation be conducted. The complainant may contact the Bureau Chief of Human Resources either in person, in writing, or by telephone.

However, before officially considering a formal investigation, the complainant must sign a written complaint and see that this complaint is delivered to the Bureau Chief of Human Resources. Upon receiving the signed document from the complainant, the Bureau Chief of Human Resources will review the complaint for completeness and determine whether a formal investigation should be conducted. If so, the Bureau Chief of Human Resources will promptly begin investigating the complaint. If not, the Bureau Chief of Human Resources will prepare a written report that will be submitted to the Transportation Director for a final review and decision. If it is determined that a formal investigation should be conducted the person assigned to investigate the complaint will be

someone from the Department who has been trained in EEO techniques and who occupies a position which is not, directly or indirectly, under the jurisdiction of the head of the work unit where the alleged discriminatory act occurred.

The investigation will be completed within thirty (30) working days, and shall include a thorough review of the circumstances under which the alleged discrimination occurred, the treatment of members of the complainant's group identified in the complaint as compared with the treatment of others in the work unit area in which the alleged discrimination occurred, and any practices related to the work situation which may constitute or appear to constitute discrimination, even though they may not have been directly expressed by the complainant.

After the investigation has been completed, the Bureau Chief of Human Resources will prepare a written report that will be submitted to the Transportation Director for a final review and decision. The final decision of the Transportation Director will be conveyed to the complainant as soon as reasonably possible. If the final decision of the Transportation Director is not acceptable to the complainant, the Bureau Chief of Human Resources will advise the complainant of appropriate areas where he/she may appeal and continue to pursue a solution.

If the complaint is not resolved to the complainant's satisfaction, the complainant may appeal the decision to appropriate outside agencies. The Bureau Chief of Human Resources maintains a listing of these agencies and their addresses which will be available to the complainant.

## II. Grievances

### Exceptions:

The following guidelines do not apply to the specific categories of employees and actions listed below:

1. Actions caused by reduction in forces.
2. Actions involving Civil Rights Complaints.
3. Actions which affect an employee who is serving under temporary appointment.
4. A nonselection for promotion when the sole basis for the grievance is an allegation by the employee that he/she is better qualified than the person promoted.
5. Demotions following temporary promotions when it is clearly established that the employee was informed that this service in the higher grade position would be terminated at a stated time or upon the return of the permanent incumbent.
6. Probationary employees.



7. Dismissals, demotions or suspensions for cause. Salary ranges, Personnel Board decisions, group life insurance, group health benefits, reemployment rights, examination ratings, position classification and employee suitability and additional things which are not within the control of the Transportation Department.

#### Informal Grievance Guideline

To seek an acceptable resolution of a grievance, the aggrieved person must initiate attempts to resolve the problem within ten (10) working days of the incident either in writing or orally through the existing chain of command, from immediate supervisor to District Engineer/Division Engineer, if assigned to a Division, or from immediate supervisor to Bureau Chief, if assigned to the central office.

If the grievance is not resolved to the aggrieved person's satisfaction after initial contact is made, the grievance must be submitted in writing to the District Engineer or Division Engineer/Bureau Chief, who will be responsible for arranging a meeting to discuss the problem with the aggrieved person and the appropriate supervisors of the aggrieved person to try to find an acceptable resolution. This meeting should take place within ten (10) working days after contact has been made by the aggrieved person with the respective unit head.

#### Formal Grievance Guideline

If the aggrieved person's meeting with the respective unit head fails to produce an acceptable resolution, the aggrieved person may then forward the grievance, in writing, to the Bureau Chief of Human Resources. Upon receiving the signed statement of grievance, the Bureau Chief of Human Resources will review the statement to determine whether further investigation should be conducted. If so, the Bureau Chief of Human Resources will have the situation investigated either by personnel from the Bureau of Human Resources or by the Division or Bureau EEO Counselor. Within twenty (20) working days after receiving the grievance, the Bureau Chief of Human Resources will be responsible for issuing his findings to the aggrieved person and for seeking an acceptable solution to the grievance. Should the grievance still not be resolved to the aggrieved person's satisfaction or it is determined by the Bureau Chief of Human Resources that no further investigation is warranted, the Bureau Chief of Human Resources will prepare a written report that will be submitted to the Transportation Director for a final review and decision.

The final decision of the Transportation Director will be conveyed in writing to the aggrieved person as soon as reasonably possible. If the final decision of the Transportation Director is not acceptable to the aggrieved person, the Bureau Chief of Human Resources will advise the aggrieved person of appropriate areas where he/she may appeal and continue to pursue a solution.

III. Important Facts to Remember

Counseling: The EEO Counselor is prohibited from restraining any aggrieved person from filing a formal complaint. Also, if a formal complaint is filed by a complainant, the EEO Counselor, upon learning of the action, is required to notify the Bureau Chief of Human Resources in writing and furnish a summary of all actions taken and advice given during any previous contact with the complainant.

Representation: An aggrieved person seeking a resolution of a complaint or grievance may be accompanied, represented and/or advised by a representative of his/her own choice.

Presentation: The complainant is to have a reasonable amount of official time to present his/her complaint. If the complainant designates a department employee as his/her representative, then the representative is to also have a reasonable amount of official time, if he/she is otherwise in an active duty status, to present the complaint.

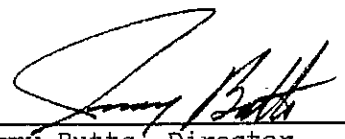
However, it will be left up to the complainant's supervisor and the Bureau of Human Resources to decide upon the limits of utilizing official time in visiting the Bureau of Human Resources. If necessary, representatives from the Bureau of Human Resources will be instructed to receive the complainant at his or her particular work station or other mutually agreed upon location.

Rejection: A complaint or grievance may be rejected by the head of the agency or his/her designee if it is not filed within the required time limits. Any determination to reject a grievance or complaint will be sent to the aggrieved person in writing.

Date of Filing: For purposes of determining whether a complaint or grievance is filed on time, the filing date will be deemed to be the date on which it is received when delivered in person to the appropriate person or its postmark date when mailed to the appropriate person.

Confidentiality: All discussions and investigations will be confidential and released only on a "need-to-know" basis as determined by the Bureau Chief of Human Resources.

APPROVED:

  
Jimmy Butts, Director  
Alabama Transportation Department

DATE:

February 28, 1996

EFFECTIVE 9-1-95

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

JOHNNY REYNOLDS, et al.,	)	
	)	
Plaintiffs,	)	
	)	CV 85 T 665 N
v.	)	
	)	
ALABAMA DEPARTMENT OF	)	
TRANSPORTATION, et al.,	)	
	)	
Defendants.	)	

REVISED COMPLAINT PROCEDURE

Pursuant to the Court's order, defendant Alabama Department of Transportation submits the following revised complaint procedure:

**NOTICE: THIS REVISED PROCEDURE REPRESENTS A SUBSTANTIAL CHANGE FROM THE PRIOR PROCEDURE, AND CONTAINS SIGNIFICANTLY DIFFERENT DEADLINES FOR TAKING ACTIONS NECESSARY FOR THE PROCESSING OF GRIEVANCES. PLEASE READ THIS PROCEDURE CAREFULLY.**

**GRIEVANCES.** The Consent Decree and Departmental Policy mandate that all all employees enjoy a work-place free from discrimination. The most effective accomplishment of the work of the Department requires prompt consideration and equitable adjustment of employee grievances involving discrimination. It is the desire of the Department to adjust grievances informally, and both supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is

recognized that there will be grievances which will be resolved only after formal appeal and review. A grievance shall be properly commenced by submitting it on an official form, signed by the grievant, within the time limit set out below. A grievance so filed shall be processed in accordance with the following provisions of this section. Within the time limits allowed for the pending step or action, any requests for extension of any time limit herein may only be granted by the Director or his designee.

**DEFINITION OF COMPLAINT OR GRIEVANCE.** A grievance is an alleged wrong based upon the employee's race, color, creed, sex, national origin, age, or handicap. Any matter concerning allegations of discrimination or a violation of the Consent Decree, or arising from or concerning matters that are the subject of the Consent Decree, will be admitted for adjustment. Complaints not involving allegations of discrimination or matters that are the subject of the Consent Decree shall not be adjusted under this Rule.

**GRIEVANCE PROCEDURE.** Any (a) employee, (b) employee who has been terminated, or (c) applicant for full-time employment, may register a grievance/complaint. Grievants are assured of freedom from restraint, interference, discrimination or reprisal for presenting a grievance. The grievant may be represented by counsel of his choosing throughout the grievance process.

**STEP I.** (1) The grievance, to be properly commenced, must be submitted on an official grievance form to the immediate supervisor within 90 days of the

alleged incident. Provided, however, that if the complainant's immediate supervisor is a subject of the grievance, then a grievance may be properly commenced by submitting a grievance form to the Division EEO representative. Official grievance forms must be readily available to all employees and applicants. A copy of the complaint must be filed with the EEO Monitor and the attorney for the plaintiff class within Two (2) working days to be docketed and logged. Grievances or complaints received by plaintiffs' counsel shall be forwarded to the EEO Monitor or his designee within Three (3) working days of receipt by such counsel, and grievances received by the EEO Monitor or his designee will be forwarded to plaintiffs' counsel within Three (3) working days from receipt of such grievance. A copy of the complaint must be provided by the EEO Monitor to any employee made the subject of the grievance. All such complaints, to the best

of the grievant's ability, shall cite with specificity the reason for and nature of the complaint. A grievant is not to be harassed, nor is any adverse action to be taken against a grievant, for having filed such grievance.

- (2) Within Five (5) working days of receipt of the grievance, the immediate supervisor shall reply to the aggrieved employee in writing on an official form. Should the immediate Supervisor be named as the subject of the Complaint, then the Head of the Division, Bureau, or Section, or his designee, shall reply in writing to the complaining party within the specified time. Copies of his reply shall be furnished to any employee made the subject of the grievance and to the EEO Monitor within the same time frame. Verbal discussions of the grievance between the aggrieved employee, his supervisor and Division Head are encouraged so long as the grievant is permitted to have the EEO Monitor or other designee in attendance;

however, such discussions do not excuse the written reply required under this section.

- (3) In lieu of replying, the immediate supervisor may elect to refer the complaint to the Division Head within the time period for reply. The Division Head must acknowledge receipt of the grievance in writing to the aggrieved employee and to the EEO Monitor not later than the next business day after receipt of the referred grievance.
- (4) Should the supervisor or Division Head not return an answer on official forms within the established time limits, the grievance shall be deemed to be well founded and the grievant may proceed to file at the next step within the time limit outlined below.
- (5) The EEO Monitor shall maintain a daily log listing the date and time of each grievance received, assigning each a docket number to be used throughout its processing for identification and monitoring purposes, assigning an



investigator responsible for processing such grievance, and setting forth a schedule of deadlines for such processing that is consistent with the times prescribed in this procedure. Plaintiffs' counsel shall be given written notice of each such grievance, docket number, assigned investigator, and schedule of deadlines within Three (3) working days of receipt of each grievance by the EEO Monitor.

**STEP II.**

If the grievant has not signed a written acceptance of the proposed resolution, the grievance will automatically be submitted, within Five (5) working days of the last action required under Step I, to the EEO Monitor for a formal investigation into the alleged wrongdoing. The EEO Monitor, or his designee, shall reply to the grievant within Seven (7) working days, and submit Findings of the investigation, in writing, on an official form signed by the EEO Monitor, or his designee. A

copy of the Investigative Findings by the EEO Monitor shall be furnished to the Division Head, the subject of the investigation, the attorney for the plaintiff class, and any other legal representative involved at this point.

Within Ten (10) days after receipt of the grievance by the EEO Monitor or his designee, a meeting shall be heard between the EEO Monitor or his designee and the grievant at which time a written answer and proposed resolution to the grievance will be given to the aggrieved party. If the aggrieved party so chooses, he may have a co-employee present at the meeting. Counsel for the class or his designee shall have the right to participate in such meetings by attendance or teleconference. Said counsel shall be given notice of such meeting at least Three (3) days in advance of its occurrence.

**STEP III.** (1) If the grievant has not signed a written acceptance of the proposed resolution, the grievance will be automatically submitted, within Five (5) working days of the Step II meeting, to the Hearing Officer.

(2) A Hearing Officer, next in order from a list of such Hearing Officers previously agreed upon by the Transportation Department counsel for the plaintiff class, shall serve as Hearing Officer, provided that the Hearing Officer is willing and available to serve in this capacity.

(3) **HEARING PROCEDURES FOR HEARING OFFICER.** The Hearing Officer shall convene a formal hearing within Thirty (30) working days after selection, subject to the right of the Transportation Department, counsel for the plaintiff class, or Hearing Officer to extend such time for an additional period of no more than Thirty (30) days. After a formal hearing, the

Hearing Officer shall render findings of fact and a recommendation to the Highway Department within Ten (10) calendar days of the completion of taking testimony and evidence. The Department shall implement the recommendations of the Hearing Officer unless an appeal is taken to Step IV.

STEP IV.

If the Complaint or Grievance has not been resolved to the satisfaction of both parties pursuant to Step I, II and III then either party may appeal to an external arbitrator. Such arbitrator shall be selected from a panel of Seven (7) arbitrators, with Three (3) of such panel members to be designated by class counsel, Three (3) to be designated by the Department, and One (1) to be designated by agreement among the other Six. Selection of the arbitrator shall be accomplished by alternate strikes from the panel. Notice of the appeal shall be served to the panel and the other party

within Ten (10) working days of Step III completion. The arbitrator shall set the appeal down for hearing, serving notice to the complaining party along with the appropriate respondent, the attorney for the plaintiff class, and any legal counsel of record in any of the prior proceedings. The findings and orders of the arbitrator shall be final from which no appeal may be taken in the context of the Reynolds case. Nothing in this procedure, however, shall be construed to prevent the filing of any administrative charge or separate legal action. In the event that class counsel deems the outcome of the arbitration to constitute a violation of Consent Decree I, class counsel may file a motion with for relief the Court.

**RELATED PROVISIONS**

1. The Director shall provide such administrative services as may be necessary and shall exercise his authority to require the production of records or appearance of witnesses as may be required to carry out the provisions of this Rule.
2. Failure of the grievant to appear for any scheduled hearing or to comply with any requirement set forth herein shall be deemed to mean that the grievance has been resolved.
3. In the event that a grievance is filed by a person who, within the immediately preceding twelve months, has filed three or more other grievances that have been deemed frivolous in the final step to which they proceeded, such grievance shall not proceed through the grievance process until it has been reviewed as follows:
  - (a) The grievance shall be forwarded to the class counsel and the Department's designee for review.  
If both such parties deem the

grievance frivolous, such  
grievance shall be denied without  
further proceedings.

(b) If either party deems the  
grievance non-frivolous after the  
review called for in subparagraph  
(a), it shall continue through the  
grievance process as otherwise  
required above.

4. Any written resolution of the complaint signed by the grievant will serve to terminate any other proceedings involving the same complaint, so long as the written resolution gives notice of this effect to the grievant.
5. Copies of this grievance procedure, together with copies of the official grievance form, are to be distributed to class members. This distribution is to be accomplished by (a) posting copies at all ALDOT facilities, (b) inserting copies of the procedure with all employee paychecks as soon as practicable after the procedure is implemented, and (c)



providing a copy of the procedure to each newly hired employee. Postings must be conspicuous and must be made in the place ordinarily used for posting of announcements. Applications for employment with the Department shall contain a conspicuous statement notifying applicants of the existence and availability of the grievance process.

6. Any employee who is required to attend hearings or meetings under this procedure, either as a grievant or as a witness for a grievant, shall be paid at his or her regular rate of pay for such time; provided, however, that an employee whose grievance is deemed to be frivolous at the last step to which it proceeds shall not be entitled to be paid for his or her time spent in grievance proceedings.
7. Nothing in this procedure shall be construed to prejudice the rights of persons whose grievances had already been filed, or had arisen but had not yet been filed, prior to the effective date of this procedure. Grievances already filed prior to the effective date shall continue to be processed in accordance with prior procedures, unless all parties agree to be bound by this procedure. Persons whose grievances arose, but had not

yet been filed, prior to the effective date of this procedure, shall not be bound by the requirement for time of initial filing as set forth in Step I above. Instead, such persons may timely file such grievances within (a) the remaining time they would have had for filing under the prior procedure; or (b) Ninety (90) days from the effective date of this procedure, whichever is shorter.

8. Nothing in this procedure shall be construed to prevent attorneys for the plaintiff class from taking any action they deem necessary or appropriate on behalf of the plaintiff class, or any member thereof, separately from the grievance process.

---

BERT S. NETTLES  
SS# 424-48-5850  
LISA W. BORDEN  
SS# 266-75-5673

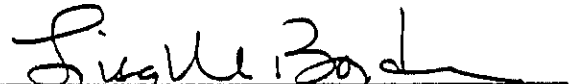
Attorneys for Defendant  
Alabama Department of  
Transportation

OF COUNSEL:

LONDON & YANCEY  
1000 Park Place Tower  
2001 Park Place North  
Birmingham, Alabama 35203  
(205) 251-2531

**Certificate of Service**

I certify that the foregoing Revised Complaint Procedure has been served upon all counsel of record by U.S. Mail this the 8<sup>th</sup> day of August, 1995.

  
Attorney for Defendant

## COMPLAINT FORM

**1.Name : Leroy Williams**

**2.Address : 3723 Bridlewood Drive, Montg, Al 36111**

**3.Job Title : Field Supervisor**

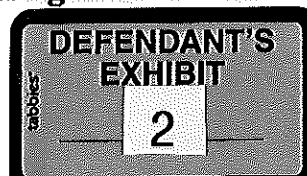
**4. Job Classification : Transportation Technologist**

**5. Bureau & Division : Design / Location**

**6. Name of Supervisor : Joe E. Jones / Thomas Lewis**

**7. Nature of Complaint : I was recently promoted to a Transportation Technologist / Field Supervisor , My immediate supervisor is Mr. Thomas Lewis. The position is new to me , but the work is basically the same, I ask questions when needed, haven't missed any days of work And always helping others in areas of weakness. Mr. Lewis is constantly Harassing and making derogative statement on areas of my work skills. I have asked Mr. Lewis on several occasions to assist me and his response is always the same " You should already know this " so I use others sources to get the job done without delaying work progress. Mr. Lewis also states that I show a pattern of tardiness , this is not true. We are to leave our Montgomery office at 5:00 a.m. on Monday mornings and arrive in Tuscaloosa at 7:00 a.m. .This is violating State guide lines of speeding. Doing the post speed Limits traveling the state route 82 the estimated travel time is approximately 2hrs ,58min. The latest I have arrived is 2hrs.,20min. So Am I being told to speed putting myself and others in danger, and higher supervisor Joe E. Jones approves , with Mr. Lewis time of arrival is 1hr.55min.**

**Mr. Lewis has a very demeaning attitude toward explaining directives so it's never clear to me what he expects or wants done on work relatives. He always leave something out, he mostly relates to a field personnel that has less experience. Mr. Lewis / Mr. Jones portray me as Floundering , Inept, argumentative and insubordinate but I am not, especially when there are two opposing forces against me. Mr. Lewis**



Has a way of making every situation whether it is good or bad a scenario. Mr. Lewis does this on a regular basis regardless to whomever is around in the office or in the field. He has made comments in such that I'm to take myself out of a crew member and make the difference as a supervisor, in which I find this hard to do when he continues to chastise me in the presence of co-workers. Mr. Lewis has also made comments about me getting a promotion with a raise, where he received only a promotion, why should that matter to him, if I get a Raise or not, that is why I find this to be unethical for him to question My finances. I am very cooperative person in all situations but when I'm being backed in a corner I will speak up for myself.

8. I am submitting at least eight witnesses: +

William Dodd Austin

Brandon Ward

Rodney Sanders

Lawrence Brown

Chan Grantham

Willie Garette

Robbie Jones

Willie Primus

Michael Crowe

Stacy Nichols

Gary Beasley

Robert Byrd

Scott Blake

Steve Hagler

Ph. #

242-6798

To ALL

9. Resolution: I'm just simply asking for a fair chance to prove my Capabilities and knowledge with a basis personnel who will be fair. I have yet to get my six month evaluation, but I have received a two month evaluation and a reprimand with the threat of another. These Types of matters should prompt an immediate investigation. I propose that I be regarded correctly, receive my forthcoming promotions and To receive training that has been denied to me as a field supervisor. I Come to work to support my family and to perform my duties to the Best of my ability, not for friendship nor to be shown favoritism. I only asked to be given the same opportunities as everyone else.

Please See Attachments...

Sincerely,

Leroy Williams

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**YAHOO! LOCAL** Maps Welcome, lsmith732  
[Sign Out, My Account]

**lingo**  
The talk of broadband



Click here for unlimited local  
long distance, U.S. Canada and  
Western Europe for only \$19.95 a mo

## Yahoo! Driving Directions

Maps | Driving Directions **MY YAHOO!**

Starting from: **1409 Coliseum Blvd, Montgomery, AL 36110-2060** Save Address

Arriving at: **630 15th St, Tuscaloosa, AL 35401-4737** Save Address

Distance: 133.8 miles Approximate Travel Time: 2 hours 24 mins

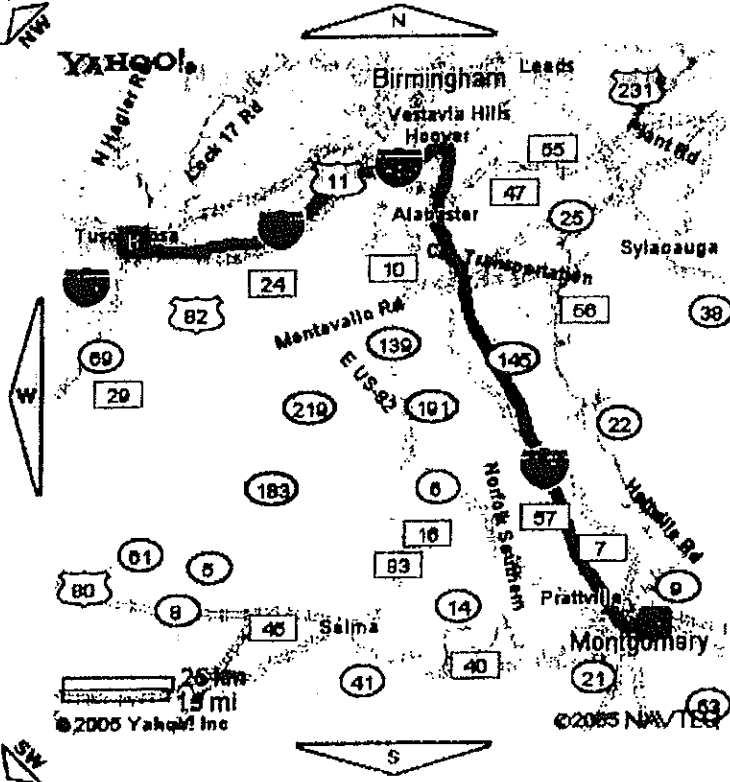
[Get Reverse Directions](#)

**i** We assumed that you meant 1409 Coliseum Blvd, instead of 1409 cloiseum blvd..

New Send to Phone Text Only Printable Version Email Directions

**Your Full Route**

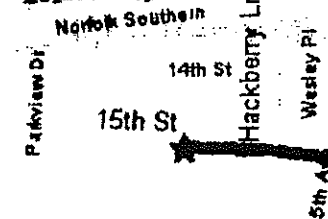
Zoom In -  
1st.3city567state910  
Zoom  
Out



**Your Destination**

View Larger Map

**YAHOO!**



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Traffic info is not yet  
available for this area.

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Zoom in & Re-Center Re-Center only

**i** We assumed that you meant 1409 Coliseum Blvd, instead of 1409 cloiseum blvd..

**Directions**

[Show Turn by Turn Maps](#)

1. Start at 1409 COLISEUM BLVD, MONTGOMERY - go 0.8 mi

2.	Turn <b>L</b> on NORTH BLVD - go 4.2 mi
3.	Take ramp onto I-65 NORTH toward BIRMINGHAM - go 77.0 mi
4.	Take exit #250 onto I-459 SOUTH toward TUSCALOOSA - go 15.5 mi
5.	Take the I-59 SOUTH <b>L</b> exit toward TUSCALOOSA - go 33.2 mi
6.	Take exit #73/US-82 onto MCFARLAND BLVD E[US-82] - go 2.0 mi
7.	Turn <b>L</b> on 15TH ST - go 1.1 mi
8.	Arrive at 630 15TH ST, TUSCALOOSA, on the <b>R</b>

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**Hotels** - Search for hotels in Tuscaloosa

#### Disclaimer

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### Get New Driving Directions

<b>A</b> Enter starting address or select from My Locations	<b>B</b> Enter destination address or select from My Locations
My Locations Edit -- My Locations --	My Locations Edit -- My Locations --
Address 1409 Coliseum Blvd	Address 630 15th St
City, State or Zip Montgomery, AL 36110-206	City, State or Zip Tuscaloosa, AL 35401-4737
Country United States	Country United States
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DAVID'S BR

# Yahoo! Driving Directions

From brent  
to Tuscaloosa, AL.

Maps | Driving Directions **MY YAHOO!**

Starting from: **Brent, Centreville, AL** Save Address

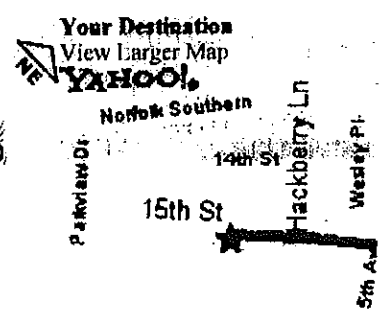
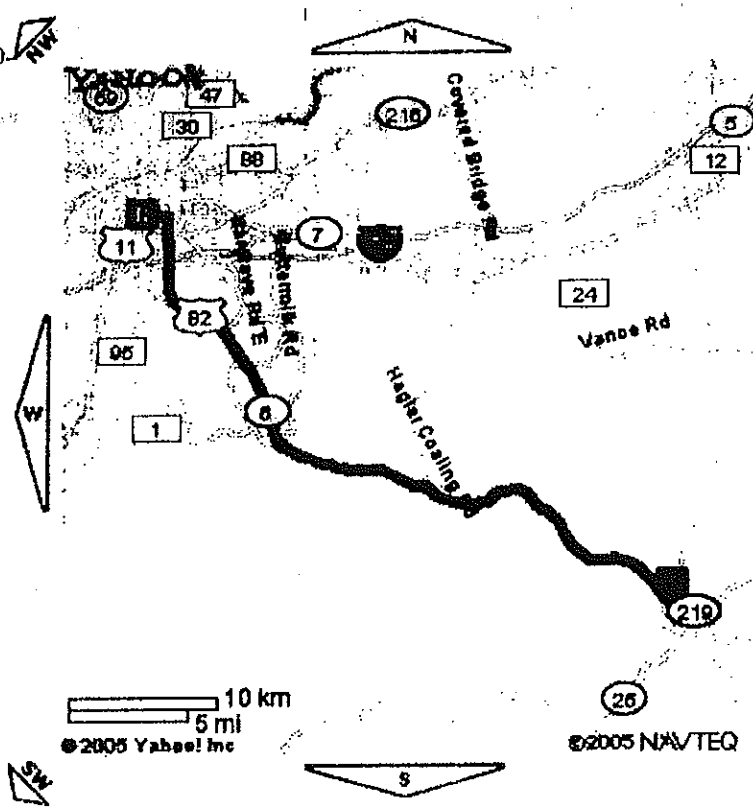
Arriving at: **630 15th St, Tuscaloosa, AL 35401-4737** Save Address

Distance: 31.9 miles Approximate Travel Time: 56 mins

Get Reverse Directions

New Send to Phone Text Only Printable Version Email Directions

**Your Full Route**  
Zoom In -  
1st.3city567state910-  
Zoom  
Out



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**Traffic**  
Traffic info is not yet available for this area.

Find traffic for another area.  
**SmartView™**  
See locations on this map

- Restaurants
- Hotels
- ATMs
- Gas Stations
- More

Zoom in & Re-Center Re-Center only

## Directions

Show Turn by Turn Maps

1.	Start at <b>BRENT BYP[AL-5], CENTREVILLE</b> - go 0.6 mi
2.	Take ramp onto <b>NEW HWY 82[US-82]</b> - go 1.3 mi

Leroy Williams v.  
ALDOT - Plaintiff's  
Initial Disclosures 0029

3. Continue to follow US-82 - go 28.8 mi
4. Turn **L** on VETERANS MEMORIAL PKWY - go <0.1 mi
5. VETERANS MEMORIAL PKWY becomes 15TH ST - go 1.1 mi
6. Arrive at 630 15TH ST, TUSCALOOSA, on the **R**

When using any driving directions or map, it's a good idea to do a reality check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning.

#### Get New Driving Directions

<b>A</b> Enter starting address or select from My Locations	<b>B</b> Enter destination address or select from My Locations
My Locations Edit -- My Locations --	My Locations Edit -- My Locations --
Address Brent	Address 630 15th St
City, State or Zip Centreville, AL	City, State or Zip Tuscaloosa, AL 35401-4737
Country United States	Country United States

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Leroy Williams v.  
ALDOT - Plaintiff's  
Initial Disclosures

0030

Form 13P  
Revised (1/1/1998)

EMPL **EE PERFORMANCE APPRA'AL**  
**STATE OF ALABAMA**  
**Personnel Department**

**PREAPPRAISAL**

Employee Name: LEROY WILLIAMS Social Security Number: 423-80-8026  
Agency: 012/TRANSPORTATION Division: 0850/DESIGN  
Classification: ENGINEERING ASSISTANT Class Code: 20116  
Period Covered From: 03/01/2003 To: 03/01/2004

**RESPONSIBILITIES/RESULTS:** Responsibilities and results on which an employee will be rated should be listed below. These areas should be discussed with the employee during the Preappraisal session at the beginning of each appraisal year. Please refer to the Performance Appraisal Manual for instruction on how to develop responsibilities and results.

**RESPONSIBILITIES/RESULTS**

1. Gathers information as directed so that pertinent survey data is gathered with minimal errors and without valid delay.
2. Operates basic survey equipment as directed so that daily job assignments are completed in an efficient manner without valid complaint or delay.
3. Operates personal computer as directed so that information is properly transferred with no valid delays and minimal errors.
4. Clears survey lines as directed so that access and visibility to project sites are obtained without valid delay.
5. Directs traffic and places traffic control as directed to maintain a safe work site for the traveling public and fellow employees with no occurrences of avoidable accidents.
6. Maintains survey equipment so that materials are ready for use on a daily basis with no valid delays in productivity.
7. Places target and level rods as directed so that information is properly gathered with no valid delays to daily project productivity.
8. Participates in training as directed so that knowledge of survey methods is gained and productivity is maintained with no valid delays.
9. Train other lesser-experienced employees in the method of collecting data so that information is properly gathered without complaints or delay.
10. Complete total station notes accurately so that the data editor may enter closure notes efficiently and survey points are properly defined with minimal errors and without valid delays.

**WORK HABITS:** Provide check in the appropriate space when the policies and procedures concerning the following areas have been discussed with the employee. In particular, the attendance and punctuality policies could be provided to the employee in writing. For instructions, refer to the performance appraisal manual and policies of the agency.

CHECK IF DISCUSSED: X Attendance  
X Punctuality  
X Cooperation with Coworkers  
X Compliance with Rules

**PREAPPRAISAL SIGNATURES:** Date of Session: 02-12-03

Employee Signature: Leroy Williams

Rater Signature: Gary A. Beasley

Reviewer Signature: James M. Cant

### MIDAPPRAISAL

Describe the employee's performance strength(s) as observed during the first half of the appraisal period.

Mr. Williams has years of experience and gathers data, as a rodman, quickly and accurately. He wastes very little energy getting unnecessary data. He helps me train new employees and is very capable operating our total station instrument. He can always be counted on to give a good days work.

Describe area(s) of the employee's performance that need improvement as observed during the first half of the appraisal period.

Mr. Williams has very few weaknesses. He could use some supervisory time over the crew. He could also use more time operating our electronic level.

Document the action plan that has been discussed to improve the areas of weakness.

I will allow Mr. Williams the opportunity to supervise some phases of our upcoming projects. He will also be given the chance to operate our electronic level in the next year.

Appraisal has been held and performance has been discussed:

Date: 9-25-03

Employee Signature: Leroy Williams

Rater Signature: Gary A. Beasley

Form 13P  
Revised (1/1/1998)

**EMPLOYEE PERFORMANCE APPRAISAL**  
**STATE OF ALABAMA**  
**Personnel Department**

***PREAPPRAISAL***

Employee Name: LEROY WILLIAMS Social Security Number: 416-08-7706  
Agency: 012/TRANSPORTATION Division: 0850/DESIGN  
Classification: ENGINEERING ASSISTANT Class Code: 20116  
Period Covered From: 5-18-04 To 3-1-05

**RESPONSIBILITIES/RESULTS:** Responsibilities and results on which an employee will be rated should be listed below. These areas should be discussed with the employee during the Preappraisal session at the beginning of each appraisal year. Please refer to the Performance Appraisal Manual for instruction on how to develop responsibilities and results.

**RESPONSIBILITIES/RESULTS**

1. PRODUCES HIGHWAY PLAN SHEETS (ELECTRONIC AND CONVENTIONAL) SO THAT THEY ARE ACCURATE AND COMPLETE, ACCESSIBLE, AND ORDERLY.
2. DRAFTS ALIGNMENTS AND GEOMETRY THAT ARE ACCURATE, IN ACCORDANCE WITH ESTABLISHED DESIGN GUIDELINES AND CRITERIA, AND COMPLETED IN A TIMELY MANNER.
3. PROVIDES AND MAINTAINS SPECIAL PLAN SHEETS (BRIDGE SHEETS, UTILITY SHEETS, TRAFFIC CONTROL PLANS), PROJECT NOTES, AND PROJECT DETAILS SO THAT ALL DRAWINGS, NOTES AND DETAILS ARE INCLUDED IN A COMPLETE AND ORDERLY PLAN ASSEMBLY.
4. REVISES PLAN SHEETS USING REPORTS AND REVIEWS FROM ENGINEERS, SUPERVISORS, AND TEAM LEADER SO THAT CORRECTIONS AND REVISIONS ARE COMPLETED IN AN ACCURATE AND TIMELY MANNER.
5. REVISES QUANTITIES AND ESTIMATES USING REPORTS AND REVIEWS FROM ENGINEERS AND SUPERVISORS, SO THAT CORRECTIONS AND REVISIONS ARE COMPLETED IN AN ACCURATE AND TIMELY MANNER.
6. CALCULATES QUANTITIES, ENTER ESTIMATES AND DATA SO THAT PAY ITEMS AND INFORMATION ARE INCLUDED IN AN ACCURATE AND TIMELY MANNER.
7. READS GUIDELINES AND DESIGN CRITERIA SO THAT HIGHWAY GEOMETRY IS DONE IN ACCORDANCE WITH CURRENT GUIDELINE CRITERIA.
8. ATTENDS TRAINING FUNCTIONS, AND SECTION MEETINGS TO ATTEND, PARTICIPATE, LEARN, INFORM OTHERS, AND APPLY KNOWLEDGE AND INFORMATION TO THE TEAM LEADER..
9. PROVIDES PROJECT CORRESPONDENCES AND MAINTAIN PROJECT FILES (ELECTRONIC AND CONVENTIONAL MEDIA) SO THAT A CHRONOLOGICAL DOCUMENTATION OF PROJECTS CAN BE RETRIEVED IN A TIMELY MANNER.

**Work Habits:** Provide a check in the appropriate space when the policies and procedures concerning the following areas have been discussed with the employee. In particular, the attendance and punctuality policies should be provided to the employee in writing. For instructions, refer to the performance appraisal manual and policies of the agency.

CHECK IF DISCUSSED:     X     Attendance  
    X     Punctuality  
    X     Cooperation with Coworkers  
    X     Compliance with Rules

**PREAPPRAISAL SIGNATURES:** Date of Session: May 21, 2004  
Employee Signature: Leroy Williams  
Rater Signature: Shirley M. Banks  
Reviewer Signature: [Signature]

### MIDAPPRAISAL

Describe the employee's performance strength(s) as observed during the first half of the appraisal period.  
LEROY DOES NOT HESITATE TO ASK QUESTIONS OR REQUEST ASSISTANCE. LEROY IS VERY COOPERATIVE WITH HIS CO-WORKERS.

Describe area(s) of the employee's performance that need improvement as observed during the first half of the appraisal period.

LEROY NEEDS MORE ON-THE-JOB TRAINING.

Document the action plan that has been discussed to improve the areas of weakness.

LEROY WILL WORK ON ASSIGNED TASKS, AND I WILL REVIEW THEM UPON COMPLETION. LEROY WILL PARTICIPATE IN AVAILABLE TRAINING.

A midappraisal has been held and performance has been discussed:

Date: Sept 28, 2004

Employee Signature: Leroy Williams Rater Signature: Shirley M. Banks

Leroy Williams v.  
ALDOT - Plaintiff's  
Initial Disclosures

0034



Form 13P

## EMPLOYEE PERFORMANCE APPRAISAL

Revised (1/1/1998)

STATE OF ALABAMA  
Personnel Department

### PREAPPRAISAL

Employee Name: Leroy Williams Social Security Number: 423-80-8026  
Agency: 012/Transportation Division: 0850/Design  
Classification: Transportation Technologist Class Code: 20481  
Period Covered From: 05/16/05 To: 11/15/05 Probationary Period

**RESPONSIBILITIES/RESULTS:** Responsibilities and results on which an employee will be rated should be listed below. These areas should be discussed with the employee during the Preappraisal session at the beginning of each appraisal year. Please refer to the Performance Appraisal Manual for instruction on how to develop responsibilities and results.

### RESPONSIBILITIES/RESULTS

Instruct employees so that project productivity standards are established and met with each project being completed without valid delay.

Assigns employees work so that all work is performed and productivity standards are met each day with each goal or project being completed without valid complaint or delay.

Operates personal computer so that information is transferred, compiled, and provided to designers with minimal errors and without valid delay.

Oversees the gathering of all field survey information so that all pertinent project data can be compiled and provided to designers with minimal errors and without valid delay.

Compiles information so that field maps, utility maps, profile maps, and requires pertinent project data are provided to designers with minimal errors and without valid delay.

Trains employees so they are afforded the opportunity to learn correct surveying methods, and are able to perform assigned tasks at a fully competent level with no valid complaints or delays.

Communicates orally with individuals so that instructions are received, information is properly exchanged, and problems are solved with no valid complaints.

Supervises and monitors employee work so that accurate performance appraisals are made and Discipline, if needed, is administered with no valid complaints from supervisors or employees.



Leroy Williams  
3723 Bridlewood Dr.  
Montgomery, Alabama 36111

December 7, 2005

Ms. McGhee  
1130 22 Suite 2000  
Birmingham, Alabama 35205

Dear Sir or Madam:

In response to the reasons given by my superiors, Mr. Tommy Lewis, Mr. Joe Jones, Mr. Don Arkle, and William Adams, at no time was I given a fair hearing. I was constantly harassed while doing or attempting to do any of my work. As they know this was a new position and all new positions require training which I didn't receive. I feel there should have been some sort of training, whether hands on or classroom, instead, when I asked questions I was referred to as floundering and inept, argumentative and insubordinate.

It was stated that I was not able to assist one of the workers or that they could not come to me, but my question was why just one employee? Why not all of the workers? I asked one of my senior workers to assist this particular problem, since he was more experienced, to help me with work related problems since he was more familiar with the job. The problem was not disregarded, but handled by someone more familiar with the situation; therefore, it was a great help to me, since I also was learning a new job.

It was stated that I was not capable of following directions, Mr. Tommy Lewis, was never specific on what he wanted. In most cases, he would throw something at me and say do it, then complain that's not what he wanted. He never told me what he wanted, just to do it. If I asked a question about what he wanted, he would respond by saying, "You should already know this". That didn't answer my questions, only left me to guess to what specifically he wanted.

He did not help or answer my question nor did he appoint anyone else to assist me. That was a lack of his unwillingness to utilize his supervisory skills for my benefit. At no given time was I insubordinate to Mr. Lewis, but when I felt he was pressing. I attempted to go to the next supervisor in line; the doors were shut in my face.

In response to section A, paragraph B:

Tommy asked me to check in on the point and that is what I did as I was instructed. Then he said, "That's not what I meant". He said, "I meant to run a closure to find an error, from a remote point that was set." Then he wrote me up and said I didn't follow directions. That sounds more like he didn't give any directions.

Section A paragraph C

Upon leaving on the 31<sup>st</sup> of May, I was told to be at the job site at 7 a.m.; I was at the job site at 6:50a.m. I waited for an extended period of time before I contacted my supervisor to locate the crew. That was when Tommy said that he stated for us to meet in the hotel parking lot. He also stated that I was late and didn't follow instructions, when in fact, I did exactly what he said do. The job site was in Auburn which is where I was, but the hotel was in Opelika that was ten to fifteen miles out of the way from the job site. Every morning after that, we met like I was instructed previously, at the job site.

• Page 2

December 7, 2005

Section A paragraph H:

Tommy said he had to show me how to add and subtract angles. If I asked for a revision to be sure of my work, being new in that position, was I wrong for asking for help?

Paragraph G

As far as my questions, I never had terra model training class and if some things in the menu had changed since my return to location. So I basically needed a briefing to refresh what I have learned and what has been added since my return.

Monday, June 20<sup>th</sup>

One of my write ups were related to being tardy. I called Tommy and told him I was not feeling well and would be out that day. He told me I should come in since I was the supervisor. I told him I would come on anyway. He then wrote me up and said I was tardy, and that is unfair. Are all employees treated in this manner? Have they received a write up for calling in?

On August 10, I was instructed to take Mr. Tommy Lewis's vehicle for service, by the Talladega District Office. Swapping material from vehicle to vehicle took more time out from our work day. All this was done around 8:30am, then we proceeded to the field about thirty minute drive along the way, we stopped to get a drink and biscuit at the Quick Mart Store. We arrived to the field at about 9 a.m. We unloaded the material needed and preceded to the job site which was about a 15 minutes walk into our site and began to work. I reviewed what was needed got, which was the distances for at least 3 set ups. We accomplished as much as possible before it started to rain at about 11a.m. In case of rain we stop until the rain stops, it rained the remainder of the day and we spent the rest of the day training on computer skills in the office, which I explained to Tommy Lewis. In return I got a reprimand for insubordination. He began raising his voice, and stood up over me yelling. After seeing there was nothing I could say I walked away. I called the next superior in line to tell them about the situation, which I received a negative response.

Instead of helping, they responded by saying, "What the hell you call me for?" So what was I to do when I feel threaten by my superior. I was not there to fight a battle, nor win a war. I was there to learn my job, and perform my task to the best of my ability. I was never given a fair chance, not even given a fair amount of time to improve or learn the job. Being harassed daily is pressure when someone of good performance, no one should have to work under those conditions. I was told by several other employees that this was prearranged for me to fail, and I was in a no win situation, which those people asked to remain anonymous and I will respect there wishes. My desire is to allow the truth to be established that I am a good employee. Realizing that this may have happened previously, and the conscience thought that it may happen again is unfair to any aspiring employee.

Sincerely,

*Leroy Williams*

Leroy Williams  
Engineering Assistant I/III

Form 11, Revised 5/88

Submit in Duplicate

APPROVED JB 10/15/92  
APPROVED SM 10/15/92

## STATE OF ALABAMA PERSONNEL DEPARTMENT

## RECOMMENDATION FOR PERSONNEL ACTION

Approved

1. Name of Employee <u>Leroy</u> First MI Last		2. Social Security Number <u>Williams</u> 423 80 8026		3. Salary 4.28 hour
4. Position Number 2199720	5. Class Title/Code Seasonal Laborer (90102)		6. Class Option Title/	
7. Department Highway		8. Division/Code Fourth (3) ( 004 )	9. Effective Date 9-30-92	
INSTRUCTIONS		KIND OF ACTION		

Item 11 requires signature of both department heads.

Items 11, 13, 14, 15, 21 require approval of Personnel Director before action is official.

Items 12, 13, 14, 15 must have copy of letter to employee attached. If voluntary demotion, letter from employee should be attached.

Item 17 should have copy of letter of resignation or confirmatory letter from department attached.

- |  |                          |   |  |
|--|--------------------------|---|--|
| 10. Transfer within department .....     | <input type="checkbox"/> | 18. Retirement .....                      | <input type="checkbox"/>               |
| 11. Transfer to another department ..... | <input type="checkbox"/> | Disability .....                          | <input type="checkbox"/> Service ..... |
| 12. Suspension .....                     | <input type="checkbox"/> | 19. Expiration of temporary appointment   | <input checked="" type="checkbox"/>    |
| 13. Demotion .....                       | <input type="checkbox"/> | 20. Expiration of provisional appointment | <input type="checkbox"/>               |
| 14. Layoff .....                         | <input type="checkbox"/> | 21. Leave Without Pay .....               | <input type="checkbox"/>               |
| 15. Dismissal .....                      | <input type="checkbox"/> | 22. Returned from LWOP .....              | <input type="checkbox"/>               |
| 16. Separation by death .....            | <input type="checkbox"/> | 23. Returned from military leave .....    | <input type="checkbox"/>               |
| 17. Resignation .....                    | <input type="checkbox"/> | 24. Change of name .....                  | <input type="checkbox"/>               |
|  |                          | 25. Other .....                           | <input type="checkbox"/>               |

ITEMS AFFECTED BY ACTION	FROM:	TO:
26. Department (Items 10 and 11)		
27. Division/Code (Items 10 and 11)		
28. County of Employment/Code (Items 10 and 11)		
29. Class Title/Code (Items 10, 11, 13)		
30. Class Option/Code (Items 10, 11, 13)		
31. Dates (Items 12, 21, 22, and 23)		
32. Name (Item 24)		

33. If action is separation, is reemployment recommended? Yes ☒ No ☐ (If "No", explanation must be given.)

34. Remarks.

35. Signed [Signature] Div. Engr. [Signature]

Date 10-8-92

36. Signed [Signature] (Appointing Authority)

Date 10/13/92

37. Approved (Personnel Director)

Date

ACTION	SEX	RACE	CO RES	EDU	VP	DEPT	DIV	EMP TYPE	CO EMP	PART TIME	HOW PAID	RANGE DIFF.	EMP SUB	ANNUAL RAISE	PROBATION. END DATE	LEAVE	RFI

DEFENDANT'S EXHIBIT

A

STATE OF ALABAMA — PERSONNEL DEPARTMENT  
NOT OF APPOINTMENT TO LABOR UNION

01A1

Revised 1987

Social Security Number 423-80-8026 PR# 49098

Full Name Leroy Williams Position No. 2199720

First Middle Last

Address Box 2, Box 277-A Location of Position Auburn

House or Apt. No. Street

City Auburn County Lee State AL Zip Code 36830

Legal Residence Lee State AL Division Highway

County Lee County Fourth

Date of Birth Mo Day Year Sex (Check one) 1. (X) Male 2. ( ) Female

Race check one: 1. ( ) White 2. (X) Black 3. ( ) Hispanic 4. ( ) Asian or Pacific Islander

5. ( ) American Indian or Alaskan Native 6. ( ) Other

Circle Highest Grade Completed. 1 2 3 4 5 6 7 8 9 10 11 12

Kind of Action: (X) Initial Employment ( ) Renewal ( ) Change of Pay ( ) Change in title of job

Employment Type: 1. ( ) Full-time 2. (X) Temporary (104 work days or less) 3. ( ) Part-time 4. ( ) Part-time temporary 5. ( ) Conditional

Describe duties to be performed in detail (Use the back of the form if necessary)

Employee will pick up litter, cut bushes, mow grass, prune shrubs and trees at the Welcome Center and Rest Area.

Signed [Signature] Date 7-24-91 Signed [Signature] Date 8-12-92

Name of Supervisor Appointing Authority

Approved [Signature] Date 8-12-92 Personnel Director

CHRG

APPROVED JB 8-13-92

APPROVED [Signature] 8-13-92

n 3 -- Revised 1990

## APPLICATION FOR EXAMINATION

RETURN TO  
STATE PERSONNEL DEPARTMENT  
MONTGOMERY, ALABAMA 36130

## AN EQUAL OPPORTUNITY EMPLOYER

ENTER SOCIAL SECURITY NUMBER HERE

4 2 3 8 0 8 0 2 6

## GENERAL INSTRUCTIONS:

A separate application is required for each job. Do not write in shaded areas. Type or print

clear  
plate  
form  
comp

Name: Leroy Williams Title of Examination for Which: HIGHWAY MAINTENANCE TECHNICIAN I  
Address: 649 Morgan Ave Option (if Applicable):  
Montg AL 36104  
City State County Zip Code

Date of Birth: 04/21/65 Telephone Number: Home 263-1567 Office (519-24-36)  
Sex (Check One) ☒ Male ☐ Female Race (Check One) 1. ☐ White 2. ☒ Black 3. ☐ Hispanic 4. ☐ Asian or Pacific Islander  
5. ☐ American Indian or Alaskan Native 6. ☐ Other

EDUCATION High School Graduate or GED? ☒ Yes ☐ No If No, circle highest grade completed 7 8 9 10 11 (12)  
Name and location of high school attended: Tuskegee Institute High FROM 08/79 TO 05/83 Did you Graduate? yes Date of Graduation May 83 Area of Study General

Name and location of Colleges and Universities Attended: Tuskegee FROM 8-83 TO 12-85 Did you Graduate? yes Field(s) of Study: Food Service Degree and Date:  
Name and location of business, correspondence or vocational school attended: I.L.S. FROM 8-90 TO 4-92 Did you Graduate? no Degree and Date: Comp. APP Business

If you attended college, but did not graduate, show credit received Sem. hrs. Otr. hrs. List professional certificate or license if applicable

List below courses included in your education which are particularly related to the duties of this position.

Subjects	Sem. hrs.	Otr. hrs.	Subjects
Communication Skills		400 hrs.	
math			

DEFENDANT'S  
EXHIBIT  
B

## COMPLETE THIS SECTION IF YOU ARE CLAIMING VETERAN'S PREFERENCE

If you claim Veteran's Preference, check the type below. Attach copies (which will not be returned) of the required documents to your application to support your claim.

- ☐ Veteran (5 points) — Requires DD214 or document showing dates of service and type of discharge. If this has been submitted previously & is on file with this office, you may disregard this requirement.
- ☐ Disabled Veteran (10 points) — Requires DD214 or other document as above & letter of disability from V.A. dated within last 6 months. V.A. letter must be kept updated until register is established or you lose the extra 5 points.
- ☐ Veteran's widow (10 points) — Requires DD214 or other document as above & marriage & death certificates. Cannot be claimed if widow remarries.
- ☐ Disabled Veteran's wife (10 points) — Requires DD214 or other document as above & V.A. letter of disability dated within last 6 months. Cannot be claimed unless still married to disabled veteran.
- ☐ Permanently Disabled Veteran (10 points) — Requires DD214 or other document as above indicating veteran is permanently disabled; or DD214 or other document & V.A. letter indicating permanent disability.

## COMPLETE THIS SECTION IN ORDER TO BE SCHEDULED FOR WRITTEN EXAMS

Written exams will be given periodically in any of the places listed below for which a sufficient number of applicants express preference. Indicate by number your 1st, 2nd, and 3rd choices.

01 ☒ Alexander City 07 ☐ Linden  
02 ☐ Andalusia 08 ☐ Mobile  
03 ☐ Birmingham 09 ☒ Montgomery  
04 ☐ Decatur 10 ☒ Opelika  
05 ☐ Dothan 11 ☐ Sheffield  
06 ☐ Anniston 12 ☐ Tuscaloosa

If you qualify, you will receive a notice showing the place and time you are to report for the exam.

CERTIFICATE (Must be signed in ink by applicant):

I certify that all statements on or attached to this application are true and correct to the best of my knowledge. I understand that any false statements may cause me to be refused the opportunity of examination or employment. I further authorize the release of all relevant prior employment, military service and criminal records. If employed I agree, consistent with applicable laws, to receive compensatory time off in lieu of overtime compensation for my overtime hours worked.

Signed: Leroy Williams

Date: 8-14-93



STATE OF ALABAMA PERSONNEL DEPARTMENT  
CERTIFICATION OF ELIGIBLES

940200117

DATE 02/07/94  
03 CC

DEPARTMENT IDENTIFICATION (DEPT./DIV.) WY TRANSPORTATION 55 EQUIPMENT/PROCUREMENT SERVICES		CLASSIFICATION (CODE/TITLE) 90241 HWY MAINTENANCE TECHN I		CLASS OPTION (CODE/TITLE) 940404342402 EE02 EE04		PAGE 5			
REGISTER TYPE CONTINUOUS OPEN-COMP	EMPLOYMENT TYPE 1 PERMANENT	COUNTY 51 MONTGOMERY	VACANCIES 1	RACE	AGE LIMIT	SEX	O/N TRAVEL N	SHIFT WORK 1	SALARY 533.60

METHOD OF CERTIFICATION  
1 MERIT SYSTEM PLUS TIES

1870909

SSAN	NAME AND ADDRESS	RACE	V.P.	GRADE	ACT.	POSITION
67813593	STACEY HOLICE A 1936 RIGBY ST MONTGOMERY AL 36110	1		90.00	C	
46621	STANTON RANDALL T 4235 ATLANTA HWY MONTGOMERY AL 36109	1		90.00	C	
16809670	STUCKEY BRIAN S RT 2 BOX 289 EVERGREEN AL 36401	1	5	90.00	C	
20924266	STUM CHARLES F RT 1 BOX 630 DADEVILLE AL 36853	1		90.00	C	
18927617	THOMAS JAMES H RT 5 BOX 133 H TROY AL 36081	2		90.00	F	
24885362	WARE JOHNATON L 163 RIVERSIDE DRIVE MONTGOMERY AL 36104	2		90.00	C	
23808026	WILLIAMS LEROY V 649 MORGAN AVE MONTGOMERY AL 36104	2		90.00	A	
24067578	WILLIAMS STEPHEN G 1215 NORTH 29TH ST BIRMINGHAM AL 35234	2		90.00	F	
21986722	WILLIAMS TERRY L 2656 CARTER AVE MOBILE AL 36617	2		90.00	L	
20721705	WILLIAMS WILLIE F 419 AUBURN ST MONTGOMERY AL 36104	2		90.00	C	
20600567	WILLIAMSON LEWIS R P O BOX 178 DEATSVILLE AL 36022	1		90.00	C	

APPROVED

APPROVED  
APPROVED

GURS

533.60  
4-2-94DEFENDANT'S  
EXHIBIT

C

CERTIFIED-PERSONNEL DIRECTOR

DATE CERTIFIED

CERTIFICATION RETURNED-APPOINTING AUTHORITY

DATE RETURNED

FD-306 (Rev. 1-1990)

# APPLICATION FOR EXAMINATION

## RETURN TO

### STATE PERSONNEL DEPARTMENT

### MONTGOMERY, ALABAMA 36130

## AN EQUAL OPPORTUNITY EMPLOYER

ENTER SOCIAL SECURITY NUMBER HERE

4 2 3 8 0 8 0 2 6

## GENERAL INSTRUCTIONS:

A separate application is required for each job. Do not write in shaded areas. Type or print clearly in dark ink and sign. Complete all sections of the application.

Name: Leroy Williams Title of Examination for Which Applied: E A I

Address: 1261 Aaron St Option (If Applicable): HINT II

City: Montgomery State: Al. County: Mont. Zip Code: 36104

Date of Birth: 01/21/65 Telephone Number - Home: 834-5217 Office: \_\_\_\_\_

Sex (Check One)		Race (Check One)																				
<input checked="" type="checkbox"/> Male		<input type="checkbox"/> 1. White <input checked="" type="checkbox"/> 2. Black <input type="checkbox"/> 3. Hispanic <input type="checkbox"/> 4. Asian or Pacific Islander <input type="checkbox"/> 5. American Indian or Alaskan Native <input type="checkbox"/> 6. Other																				
<input type="checkbox"/> Female																						
EDUCATION		High School Graduate or GED? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																				
Name and location of high school attended		If No, circle highest grade completed																				
<u>Tuskegee Institute High</u>		<table border="1"> <tr> <th>FROM</th> <th>TO</th> <th>Did you Graduate?</th> <th>Date of Graduation</th> <th>Area of Study</th> </tr> <tr> <td>1Mo 1 Yr 1</td> <td>1Mo 1 Yr 1</td> <td></td> <td></td> <td></td> </tr> <tr> <td><u>09/79</u></td> <td><u>05/83</u></td> <td><u>Yes</u></td> <td><u>05/83</u></td> <td><u>Business</u></td> </tr> </table>						FROM	TO	Did you Graduate?	Date of Graduation	Area of Study	1Mo 1 Yr 1	1Mo 1 Yr 1				<u>09/79</u>	<u>05/83</u>	<u>Yes</u>	<u>05/83</u>	<u>Business</u>
FROM	TO	Did you Graduate?	Date of Graduation	Area of Study																		
1Mo 1 Yr 1	1Mo 1 Yr 1																					
<u>09/79</u>	<u>05/83</u>	<u>Yes</u>	<u>05/83</u>	<u>Business</u>																		
Name and location of Colleges and Universities Attended		<table border="1"> <tr> <th>FROM</th> <th>TO</th> <th>Did you Graduate?</th> <th>Field(s) of Study</th> <th>Degree and Date</th> </tr> <tr> <th>1Mo 1 Yr 1</th> <th>1Mo 1 Yr 1</th> <th></th> <th>Major(s)</th> <th>Minor(s)</th> </tr> <tr> <td><u>12/83</u></td> <td><u>12/85</u></td> <td><u>no</u></td> <td><u>Food Service</u></td> <td><u>Food Service</u></td> </tr> </table>						FROM	TO	Did you Graduate?	Field(s) of Study	Degree and Date	1Mo 1 Yr 1	1Mo 1 Yr 1		Major(s)	Minor(s)	<u>12/83</u>	<u>12/85</u>	<u>no</u>	<u>Food Service</u>	<u>Food Service</u>
FROM	TO	Did you Graduate?	Field(s) of Study	Degree and Date																		
1Mo 1 Yr 1	1Mo 1 Yr 1		Major(s)	Minor(s)																		
<u>12/83</u>	<u>12/85</u>	<u>no</u>	<u>Food Service</u>	<u>Food Service</u>																		
Name and location of business, correspondence or vocational school attended		<table border="1"> <tr> <th>FROM</th> <th>TO</th> <th>Did you Graduate?</th> <th>Field(s) of Study</th> <th>Degree and Date</th> </tr> <tr> <th>1Mo 1 Yr 1</th> <th>1Mo 1 Yr 1</th> <th></th> <th>Major(s)</th> <th>Minor(s)</th> </tr> <tr> <td><u>10/90</u></td> <td><u>4/92</u></td> <td><u>no</u></td> <td><u>Computer Application</u></td> <td></td> </tr> </table>						FROM	TO	Did you Graduate?	Field(s) of Study	Degree and Date	1Mo 1 Yr 1	1Mo 1 Yr 1		Major(s)	Minor(s)	<u>10/90</u>	<u>4/92</u>	<u>no</u>	<u>Computer Application</u>	
FROM	TO	Did you Graduate?	Field(s) of Study	Degree and Date																		
1Mo 1 Yr 1	1Mo 1 Yr 1		Major(s)	Minor(s)																		
<u>10/90</u>	<u>4/92</u>	<u>no</u>	<u>Computer Application</u>																			
If you attended college, but did not graduate, show credit received		List professional certificate or license if applicable																				
Sem. hrs. <u>120</u> Otr. hrs. _____																						

List below courses included in your education which are particularly related to the duties of this position.

Subjects	Sem. hrs.	Otr. hrs.	Subjects
<u>Lotus 123</u>			<u>Word Processing</u>
<u>MS DOS</u>			<u>Data Processing</u>
<u>Screen Printing</u>			<u>Basic Programming</u>

DEFENDANT'S EXHIBIT

D

## COMPLETE THIS SECTION IF YOU ARE CLAIMING VETERAN'S PREFERENCE

If you claim Veteran's Preference, check the type below. Attach copies (which will not be returned) of the required documents to your application to support your claim.

- ☐ 1. Veteran (5 points) — Requires DD214 or document showing dates of service and type of discharge. If this has been submitted previously & is on file with this office, you may disregard this requirement.
- ☐ 2. Disabled Veteran (10 points) — Requires DD214 or other document as above & letter of disability from V.A. dated within last 6 months. V.A. letter must be kept updated until register is established or you lose the extra 5 points.
- ☐ 3. Veteran's widow (10 points) — Requires DD214 or other document as above & marriage & death certificates. Cannot be claimed if widow remarries.
- ☐ 4. Disabled Veteran's wife (10 points) — Requires DD214 or other document as above & V.A. letter of disability dated within last 6 months. Cannot be claimed unless still married to disabled veteran.
- ☐ 5. Permanently Disabled Veteran (10 points) — Requires DD214 or other document as above indicating veteran is permanently disabled; or DD214 or other document & V.A. letter indicating permanent disability.

## COMPLETE THIS SECTION IN ORDER TO BE SCHEDULED FOR WRITTEN EXAMS

Written exams will be given periodically in any of the places listed below for which a sufficient number of applicants express preference. Indicate by number your 1st, 2nd, and 3rd choices.

- |   |   |
|---|---|
| 01 <input checked="" type="checkbox"/> Alexander City | 07 <input type="checkbox"/> Linden                |
| 02 <input type="checkbox"/> Andalusia                 | 08 <input type="checkbox"/> Mobile                |
| 03 <input checked="" type="checkbox"/> Birmingham     | 09 <input checked="" type="checkbox"/> Montgomery |
| 04 <input type="checkbox"/> Decatur                   | 10 <input type="checkbox"/> Selma                 |
| 05 <input type="checkbox"/> Dothan                    | 11 <input type="checkbox"/> Sheffield             |
| 06 <input type="checkbox"/> Anniston                  | 12 <input type="checkbox"/> Tuscaloosa            |

If you qualify, you will receive a notice showing the place and time you are to report for the exam.

CERTIFICATE (Must be signed in ink by applicant):

I certify that all statements on or attached to this application are true and correct to the best of my knowledge. I understand that any false statements may cause me to be refused the opportunity of examination or employment. I further authorize the release of all relevant prior employment, military service and criminal records. If employed I agree, consistent with applicable laws, to receive compensatory time off in lieu of overtime compensation for any overtime hours worked.

Signed: Leroy WilliamsDate: 4/6/94



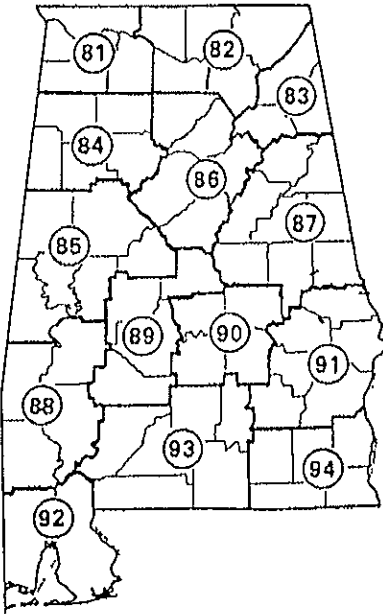
2. Employer				Your Official Job Title			
Olive Garden				Sauce Chef			
Address				Type of Business			
Tucker Ga.				Food Service			
FROM		TO		Beginning Salary		Ending Salary	
Month	Year	Month	Year				
10	190	04	192	\$ 6.00 per Hr		\$ 8.95 per Hr	
Total Months				If part-time, number of hours per week			
24							
Number/Title of Employees You Supervised				Equipment You Operated		Reason for Leaving	
				Kitchen Tools Ovens, Etc.		Relocated	
Name, Title, and Phone Number of Supervisor							
Tom (Store manager)							
Describe Your Duties In Detail:							
To prepare sauces for each additional sauce menu.							

## AVAILABILITY

Please answer the following questions carefully, you will be considered for employment only in the locations where you indicate you will accept work. You will not be considered for jobs involving overnight travel, temporary, part-time or shiftwork unless you indicate that you will accept employment under these conditions.

**NOTE!** If you decline three offers for consideration of appointment in the class for which you are applying, your name will be placed in the inactive section of the list of eligibles for that class. If your name is certified to an agency and you fail to reply to that agency's inquiry concerning your availability for appointment to a position, your name will be placed in the inactive section of the list of eligibles for that class. Depending on the circumstances, your name may be restored to the active section of the list of eligibles by submitting a satisfactory written explanation of your reasons for declining offers of appointment.

Please indicate in the spaces provided beneath the map of Alabama those areas of the state in which you would accept employment. You may choose a combination of up to seven counties and/or regions from the list below. If you list a region, you will be considered available for all counties in that region. The counties included in each region are listed alphabetically below the region.



### 81— Northwest Alabama

17 Colbert  
30 Franklin  
39 Lauderdale  
40 Lawrence

### 82— Huntsville/Decatur Area

36 Jackson  
42 Limestone  
45 Madison  
48 Marshall  
52 Morgan

### 83— Northeast Alabama

10 Cherokee  
25 DeKalb  
28 Etowah

### 84— Jasper/Winfield Area

29 Fayette  
38 Lamar  
47 Marion  
64 Walker  
67 Winston

### 85— Tuscaloosa Area

04 Bibb  
32 Greene  
33 Hale  
54 Pickens  
60 Sumter  
63 Tuscaloosa

### 86— Birmingham Area

05 Blount  
22 Cullman  
37 Jefferson  
58 Shelby  
59 St. Clair

### 87— East Central Alabama

08 Calhoun  
09 Chambers  
14 Clay  
15 Cleburne  
19 Coosa  
56 Randolph  
61 Talladega  
62 Tallapoosa

### 88— Southwest Alabama

12 Choctaw  
13 Clarke  
46 Marengo  
65 Washington

### 89— Selma/Clanton Area

11 Chilton  
24 Dallas  
53 Perry  
66 Wilcox

### 90— Montgomery Area

01 Autauga  
26 Elmore  
43 Lowndes  
51 Montgomery

### 91— Phenix City/Troy Area

03 Barbour  
06 Bullock  
41 Lee  
44 Macon  
55 Pike  
57 Russell

### 92— Mobile Area

02 Baldwin  
49 Mobile

### 93— South Central Alabama

07 Butler  
18 Conecuh  
20 Covington  
21 Crenshaw  
27 Escambia  
50 Monroe

### 94— Dothan Area

16 Coffee  
23 Dale  
31 Geneva  
34 Henry  
35 Houston

### 95— Statewide

If you list 95 you will be considered for vacancies throughout the state regardless of location (Relocation may be necessary).

Where did you learn of this job?

- 1) Employment Service ☐  
2) Job Announcement Notice ☐  
3) Newspaper ☐  
4) College Recruiter ☐  
5) Friends/Relatives ☐  
6) Department News Bulletin ☒

List the numbers of up to (7) seven counties and/or regions where you are willing to work:

91 90 92 86  
51 41 44

If you want to be considered for appointment by **only certain** State agencies, indicate the names of up to three of those agencies below.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SOC		PROM	
WT		WT	
TE		TE	
OR		OR	
01		SR	
02		01	

Will you accept work involving extensive overnight travel?

☒ Yes ☐ No

Will you accept part-time work?

☒ Yes ☐ No

Will you accept temporary work for four months or less?

☐ Yes ☒ No

Which shifts are you willing to accept?

0. ☒ All shifts 1. ☐ 1st only 2. ☐ 2nd only 3. ☐ 3rd only  
4. ☐ 1st & 2nd only 5. ☐ 1st & 3rd only 6. ☐ 2nd & 3rd only

Enter the earliest date you will be available to interview for employment. (Your name will not appear on a list of eligibles until this date).

Month	Day	Year
04	06	94

Form 4 - Revised 1987

STATE OF ALABAMA — PERSONNEL DEPARTMENT  
PROVISIONAL APPOINTMENT

440608355782

105503c2

1. Department Transportation - 012	2. Division Design -085	3. CO Mo	No. 6
5. Class Title/Code Engineering Assistant I	6. Class Option Title/Code None	\$533.60	Date 5/11/94
9. Employment Type: 1. (X) Permanent 2. ( ) Temporary 3. ( ) Part-time, Permanent 4. ( ) Part-time Temporary 5. ( ) Conditional			
10. Sex Requirement N/A		11. Age Restriction	
13. Social Security Number 423-80-8026		14. Full Name of Appointee Leroy Williams	
15. Name of Previous Incumbent		16. Reason for Leaving Position.	

APPROVED SM 6/18/94  
APPROVED SM 6/18/94

## IMPORTANT

Submit this form in duplicate BEFORE the proposed appointee begins work. Both sides must be completely filled out.

A provisional appointment is approved only until an appropriate eligible register is established.

The law forbids successive provisional appointments of the same individual.

A provisional appointment does not confer on the appointee any status as a permanent employee. A separate application for examination must be filed by the appointee to compete for regular appointment.

17. Describe the exact nature of the work to be performed by appointee.  
Draws/plots/traces cross-sections, profiles, topography, drainage sections, typical sections, plan views, contours and elevations using sources such as plans, field and level notes following oral/written instructions from supervisors.  
Calculates quantitles and values such as drainage, curve data, elevations and distances using a calculator.  
Exchanges information orally with individuals and groups such as co-workers and property owners, following oral and/or written instructions from supervisors.  
Attends meetings such as interviews, training sessions and safety meetings following oral/written instructions from supervisors and instructors in order to increase knowledge.  
Enters data (writes/types/key-in) into documents and databases such as field and level books, using equipment such as computer terminals and typewriters following oral/written instructions from supervisors.  
Operates equipment/instruments such as transits, levels, copiers and computers following oral/written instructions from supervisors.  
Measures distance, areas, elevations, angles, curvature and height using instruments/equipment such as tape measures, electronic distance meters, levels, transits following oral/written instructions from supervisors.  
Directs traffic in areas of surveying, using devices such as flags, signs, hand signals, cones, barrels, and wearing safety vests and hard hats following oral/written instructions such as supervisory directives, safety manuals and department policy in order to provide for the safety of workers and the traveling public.  
Cuts/clears survey lines using equipment such as axes and chain saws following oral/written instructions from supervisors in order to obtain access and visibility of job sites.

18. Certificate of Appointing Authority: I certify that to the best of my knowledge and belief the proposed appointee is fully qualified by training and experience, to perform the duties of this position. I understand the conditions under which provisional appointments are made and certify that the need for filling this position is so urgent that it cannot await the establishment of an appropriate eligible register.

Signed

Appointing Authority

Date

5-11-94

Don T. Arkle  
Chief, Design  
Bureau

19. Approved:

Signed

Personnel Director

Date

20. Disapproved, for the following reasons:

Signed

Date

Rec'd no increase  
PRD 4/2/94  
PRD 9/5/04

ACTION	SEX	RACE	CO RES	EDU	VP	DEPT	DIV	EMP TYPE	CO EMP	PART TIME	SHOW RANGE	RANGE DIFF	EMP SUB	ANNUAL RAISE	PROB END	LEAVE	REF
				Y		FE											

DEFENDANT'S  
EXHIBIT  
E



## STATEMENT OF PERSON RECOMMENDED FOR PROVISIONAL APPOINTMENT

Name of Employee				First	MI	Last	Social Security No.		Marital Status (Check one)		
				Leroy		Williams	423-80-8026		1. <input type="checkbox"/> Single 2. <input checked="" type="checkbox"/> Married 3. <input type="checkbox"/> Divorced 4. <input type="checkbox"/> Widowed		
Date of Birth	Mo	Day	Year	Sex	Race						
0	4	2	1	6	5	1. <input checked="" type="checkbox"/> Male 2. <input type="checkbox"/> Female		1. <input type="checkbox"/> White 2. <input checked="" type="checkbox"/> Black 3. <input type="checkbox"/> Hispanic 4. <input type="checkbox"/> Asian or Pacific Islander 5. <input type="checkbox"/> American Indian or Alaskan Native 6. <input type="checkbox"/> Other			
Address											
1261 Aaron Street											
House or Apt. No.				Montgomery				Street		36104	
City				County				State		Zip Code	
Legal Residence						Montgomery		AL		Tele. Home (205) 834-5717 Office (205) 242-6221	
County						State					
Education: High School Graduate or GED? <input type="checkbox"/> Yes <input type="checkbox"/> No											
If no, circle highest grade completed											
1 2 3 4 5 6 7 8 9 10 11 12											
Schools Attended (Business, Vocational, College or University)											
Name		Address		From		To		Did You Graduate?		Degree and Date	
				Mo. Yr.		Mo. Yr.					
Tuskegee University - Tuskegee, AL				12 83		12 85		No		Food Services	
Interactive Learning				10 90		04 92		No		Computer Application	

## REFERENCES

List three reliable persons, not relatives or present employer, who know you well enough to give information about you.

Name	Address	Occupation
Tim Owens	Ski Lodge Apt. - Montgomery, AL	AT&T
Myran Perry	Max - Montgomery, AL	Barber
Angela Davis	- Montgomery, AL	A-NU-Look

Do you have any physical handicaps or health problems that would keep you from doing the kind of work for which you are making application?

☐ Yes ☒ No

Have you ever been involuntarily terminated or forced to resign from a position?

☐ Yes ☒ No

Have you ever been convicted of a law violation including any DUI convictions?

☐ Yes ☒ No

If you answered "Yes" to any of the above questions, attach an explanation on a separate sheet.

Beginning with your most recent employment, list in REVERSE ORDER periods of employment (Attach extra sheets if necessary.)

1. Current or Last Employer						Your Official Job Title					
Alabama Department of Transportation						H.M.T. I					
Address						Type of Business					
1409 Coliseum Blvd., Montgomery, AL 36130						Highways (Grounds)					
FROM		TO		Total		Beginning Salary		Ending Salary		May we contact employer?	
Month	Year	Month	Year	Months	If part-time, number of hours per week					<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
03	94	05	94	2		\$ 533.60 per B/W		\$ 533.60 per B/W			
Number/Title of Employees you Supervise						Equipment you Operated			Reason for Leaving		
None						Yard Machinery			Reclassified		
Describe your Duties in Detail:											
To maintain and keep clean grounds; also to move material if needed.											
2. Employer						Your Official Job Title					
Alabama Department of Transportation						H.M.T. I					
Address						Type of Business					
4th Division - 3rd District, Auburn, AL						Highways					
FROM		TO		Total		Beginning Salary		Ending Salary			
Month	Year	Month	Year	Months	If part-time, number of hours per week						
06	92	03	94	21		\$ 4.28 per hr		\$ 533.60 per hr			
Number/Title of Employees you Supervised						Equipment you Operated			Reason for Leaving		
None						Road Machinery			Relocated		
Describe your Duties in Detail:											
To maintain clean and safe highways, building structures, paving, flagging, mowing, putting up and replacing signs, operate some heavy equipment, etc.											

I hereby certify that all statements made hereon and attached hereto are true and correct to the best of my knowledge. Any significant misrepresentation may be cause for denying me the right to examination or employment.

Date 5/9/94

Signed

Gray Williams

IMPORTANT

The statement you have filled out is not an application for examination. If you wish to compete for permanent appointment you will have to file your application for

F



Fob James, Jr.  
Governor

**ALABAMA DEPARTMENT OF TRANSPORTATION**  
1409 Coliseum Boulevard, Montgomery, Alabama 36130-3050



Jimmy Butts  
Transportation Director

February 14, 1997

TO: File

FROM: William K. Kirkland  
Field Supervisor

RE: Performance Appraisal of Leroy Williams  
Engineering Asst. I

WMR  
WFA

In reviewing the performance of Mr. Leroy Williams for the past appraisal period; I have evaluated his overall performance as "Exceeds Standards".

Mr. Williams carries out his assigned tasks accurately and efficiently. He has a fairly good understanding of his position and performs his duties satisfactory as an E.A.I.

Mr. Williams strength is showing interest in his work and his weakness is a repeated lack of leave time. Mr. Williams and I have discussed his strengths and weaknesses and he is aware of future expectations.

Mr. Williams was given an unsatisfactory work habit score for attendance. This was due to the repeated lack of leave time. He has continued to use every hour of leave time including an occasional hour of leave without pay. I have continually stressed the importance of building time. His attendance is of great importance.

WMR/WK/gv  
cc: Location File

Leroy Williams  
Leroy Williams

02/14/97  
Date

William K. Kirkland  
William K. Kirkland

2-14-97  
Date



# EMPLOYEE PERFORMANCE APPRAISAL

(Please read other side before using)

Social Security Number: 423-80-06  
Department: TRANSPORTATION  
Division: DESIGN  
Period Covered From: 03/01/97 To: 03/01/98  
Annual Raise Effective: MAY 1998

Check the appropriate column. Refer to the policies and procedures for your department.  
If an Unsatisfactory is given, comments detailing the rating must be provided to the department.

**TASK/RESPONSIBILITY RATINGS:** Use this scale to provide a numerical rating for each of the employee's major work tasks or responsibilities. Refer to the Position Classification Questionnaire (Form 40) in determining the tasks to be rated.

**PERFORMANCE APPRAISAL SCORE:**

**OVERALL APPRAISAL:** This employee's work:

**APPRAISAL SIGNATURES:**

SSN 418 - 08 - 3897

SSN 417-56-0786

Date 2-13-58

Date Reviewer's Comm

G



ALABAMA DEPARTMENT OF TRANSPORTATION

1409 Colliseum Boulevard, Montgomery, Alabama 36130-3050

February 13, 1998



Fob James, Jr.  
Governor

Jimmy Butts  
Transportation Director

WHR  
WZ

TO: File

FROM: William K. Kirkland  
Field Supervisor

RE: Performance Appraisal of Leroy Williams  
Engineering Asst. I

In reviewing the performance of Mr. Leroy Williams for the past appraisal period, I have evaluated his overall performance as "Exceeds Standards."

Mr. Williams carries out his assigned tasks accurately and efficiently. He has a fairly good understanding of his position and performs his duties satisfactorily as an Engineering Asst. I.

Mr. Williams strength is showing interest in his work and his weakness is a repeated lack of leave time. Mr. Williams and I have discussed his strengths and weaknesses and he is aware of future expectations.

Mr. Williams was given an unsatisfactory work habit score for attendance. This was due to the repeated lack of leave time. He has continued to use every hour of leave time, including an occasional hour of leave without pay. I have continually stressed the importance of building time. His attendance is of great importance.

WMR/WKK/gv  
cc: Location File

Leroy Williams  
Leroy Williams

02/13/98  
Date

William K. Kirkland  
William K. Kirkland

2-13-98  
Date

Form 40-Revised 1/95

**POSITION CLASSIFICATION QUESTIONNAIRE**  
**STATE OF ALABAMA**  
 Personnel Department

PCQ# 2118416  
 (For Dept. Use Only)

1. Employee's Name: Leroy Williams
2. Classification Engineering Assistant 5. Division or Bureau Design
3. Working Title: Data Editor 6. Section or Unit Location Section
4. Department Transportation 7. Work Location (County) Statewide
8. Name and title of immediate supervisor (person who assigns work) William K. Kirkland, Party Chief
9. Position is: full-time ☒, part-time ☐, permanent ☒, temporary ☐.

10. SUPERVISION EXERCISED: Only complete this section if this position completes performance appraisals or actually participates in rating other employees. If the position functions as a lead worker and only assigns work, then list that responsibility on item 11B as a duty.

- a. Total number of employees that this position supervises:
- b. Percentage of time spent on supervision and related duties:
- c. If this position DIRECTLY supervises 5 or less employees, give names and titles. If this position DIRECTLY supervises more than 5 employees give the number and official classification of each.


d. As a supervisor, does this position: (Check the activities performed)

Make daily work assignments? ☐  
 Approve and Disapprove leave requests? ☐  
 Reassign job duties on permanent basis? ☐

Interview and make hiring recommendations? ☐  
 Recommend disciplinary actions? ☐  
 Prepare and conduct performance appraisals? ☐

**11. DESCRIPTION OF DUTIES PERFORMED:**

a. In one or two sentences, describe the major purpose of this position.

The major purpose is to insure all data gathered in the field is accurate and correct. The general function is to edit all raw data gathered by the survey crew. To make a coordinated file from the field, utility, and profile maps.

**DEFENDANT'S  
EXHIBIT**

13. FINANCIAL RESPONSIBILITY: If this position has responsibility for the controlling and/or authorizing the expenditure of funds, please describe and indicate approximate amount controlled.

None

14. WORK GUIDELINES: (Only include written guidelines) List the specific laws, regulations, instructions, manuals, or procedures that must be followed in performing this job and describe how they are used.

LIST ITEM	HOW USED
Guidelines for Operations	Provides policy for procedures.
Standard Policies	Provides a standard for daily operations.
Procedures and Instructions	
Geometric Design	Guidelines and Policies for survey

15. SUPERVISION RECEIVED:

How is this position's work reviewed? (Check one)

- ☒ Supervisor reviews most or all of work while it is being done.  
☐ Supervisor spot checks work as it is being done.  
☐ Supervisor reviews most or all of work after completion.  
☐ Supervisor spot checks work after completion.  
☐ Supervisor does not review work.  
☐ Other. (describe fully)

16. WORK CONTACTS: With whom, outside of co-workers in this unit, must this position regularly come in contact?

Who Contacted	How (Phone, in person, etc.)	Purpose of Contact	How Often
John Russell	Phone, in person		Monthly

17. EQUIPMENT USED: List any equipment used regularly. Give percent of time spent in operation of each. For vehicles and construction and maintenance equipment operated, indicate capacity, e.g., tonnage, yardage.

Computer	70%	Calculator	5%
Total Station	1%	Typewriter	10%
Plotter	2%		

a. Does this position require typing?

- ☐ NO  
☒ YES, Give % of time spent typing 5%

b. Does this position require taking shorthand?

- ☒ NO  
☐ YES, Give % of time spent in shorthand \_\_\_\_%

b, Duty Statement: (Complete Column "C" first)

- In column A, indicate PERCENTAGE of time spent on each duty (total should not exceed 100%).
- In column B, rate the duties as to their IMPORTANCE. VI - Very Important I - Important SI - Somewhat Important
- In column C, describe in detail each of the position's PERMANENT duties and responsibilities using your OWN words.

A %	B Rating	C Description of Duties
30	VI	Plots property so that all corners found and land lines are shown in the correct location.
20	SI	Places text on maps so that all information is properly labeled and can be identified by others.
15	VI	Draws field, utility and profile maps so that all information gathered is properly shown and can be transmitted for design without project delays or valid complaints.
10	I	Edits data gathered by the field crew so that all information is placed in the proper location with the correct point code assigned.
5	I	Computes data as needed by the field crew or others so that correct coordinates.
5	I	Creates DTM surfaces so that all topographic information is shown correctly and design earthwork quantities are accurate.
5	I	Organizes electronic data so that information can be easily found without delays.
2	I	Attends training courses so that knowledge of surveying methods is gained and productivity is enhanced without complaints for non-attendance
2	VI	Maintains complete backup files so that all information is stored for future reference without any loss of data.
2	VI	Communicates with coworkers so that the information gathered by the crew is complete without omissions or project delays
2	I	Gathers information as directed so that pertinent survey data is gathered with minimal errors and without valid delays.
2	I	Clears survey lines so that access and visibility to project sites are obtained without valid delay.

12. DECISION MAKING: Give example(s) of the more important decisions made while performing the duties of this position. Then list the possible effect of error(s) on the organization or general public.

Supervisor reviews all normal drafting procedures on maps. All forms and correspondence are reviewed before being submitted to Montgomery. No consultation is made regarding placement and organization of data placed on maps. For example, placement of text describing certain points or areas that were gathered in the field. When maps are reviewed by the supervisor, all aspects of organization, content, and general outline of maps are reviewed. All errors are pointed out, and the supervisor notes what changes are to be made to correct the errors. The supervisor points out why the errors were made and how to avoid them in the future.



ITEMS TO BE COMPLETED BY IMMEDIATE SUPERVISOR AND/OR APPOINTING AUTHORITY

18. Are the statements of the employee accurate and complete? (Indicate inaccuracies and incomplete items)

YES

19. If the duties listed are for reallocation of position, what additional and/or more complex duties have been added to this position to warrant reallocation.

NONE

20. List any required licenses, registrations, certifications, or special requirements necessary to perform the job.

21. Check below the type of supervision provided by the immediate supervisor to this position.

☐ CLOSE/HANDS ON or ☒ GENERAL/ADMINISTRATIVE

22. Additional information and comments:

The reason for the form is to change duties of existing position.

VERIFICATION - READ CAREFULLY BEFORE SIGNING

I hereby certify that I have read the above and verify that it is, to the best of my knowledge, correct and accurate. I understand that disciplinary action could be taken against anyone who knowingly provides false information.

<u>Leroy Williams</u>	<u>11-26-01</u>	<u>242-6175</u>
Signature of Incumbent	Date	Telephone # (ATTNET)
<u>WCKA</u>	<u>11-26-01</u>	<u>Party Chief / CE</u>
Signature of Supervisor	Date	Title/Classification
<u>Paul J. [Signature]</u>	<u>12-19-01</u>	<u>242-6175</u>
Signature of Appointing Authority	Date	Telephone # (ATTNET)

QUESTIONNAIRES NOT SIGNED BY ALL PARTIES WILL BE RETURNED



## COMPLAINT FORM

Please complete the following information completely and return to:

APR 1997  
RECEIVED  
Design Bureau  
Your immediate supervisor, Division EEO Representative, for Ron Green, Chief, Human Resources Bureau, 1409 Coliseum Boulevard, Montgomery, Alabama 36130.

1. Name Leroy Williams SSN-423-80-8026
2. Address 726 Westpatton Ave Montgomery Ala. 36105
3. Your Job Classification ENGINEERING ASST I  
(or ~~classification applied for~~)
4. Your Job Title TARGETMAN  
(or ~~job applied for~~)
5. Bureau and Division Design
6. Name of Supervisor William Keith Kirkland
7. Nature of your complaint:

(a) Please indicate if your complaint is based upon discrimination. Yes \_\_\_\_\_ No X If yes, please mark below what type of discrimination you are complaining about:

Race \_\_\_\_\_ Gender \_\_\_\_\_ Religion \_\_\_\_\_  
National Origin \_\_\_\_\_ Disability \_\_\_\_\_

(b) What is the wrongful act or omission that you are complaining about?

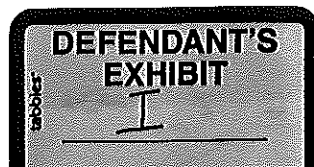
Non Compliance with existing Consent decree article 15 paragraph 4 and order of Judge Myron Thompson in civil action No. 85-1-665-N  
(If you need more space, you may attach one or more extra pages)

(c) Please give the date(s) on which the wrongful act or omission occurred.

May-28-99 - present

(d) Who committed the wrongful act or omission you are complaining about?

Alabama DOT Personnel Bureau



8. List the names of any witnesses who you believe have information about your complaint.

Mack Rotton, Keith Kirkland, Joe King &  
Design Bureau

9. How were you affected by the wrongful act or omission?

Not given promotion consistent with increased  
duties assigned nor the monetary compensation  
associated with said promotion

10. What resolution do you suggest for this complaint?

Provisional Appointment to EA II/III with back pay  
and credit for time in grade to EA II/III

All issues of wrongdoing alleged by you and not specifically set forth on this form will be barred from future claims. However, other claims that arise after the date of this claim may be brought according to the provisions of the grievance procedure.

Gray Williams  
Signature of Employee

3/31/97  
Date submitted

Complaint submitted to: Cindy Jackson

Report ID: HDRHR30

Alabama Department of Transportation  
Article XIX: Grievance Detail by IDPage No. 1  
Run Date 05/04/2005  
Run Time 13:43:47GRIEVANCE ID: REY00192  
GRIEVANCE SOURCE: ReynoldsEMPLOYEE DETAILNAME OF GRIEVANT: Williams, Leroy  
SSN: 423-80-8026  
ETHNIC GROUP: Black  
CURRENT JOBCODE: 20115 Engineering Asst II/III  
JOBCODE AT FILING: 20111 Engineering Assistant IEMPLOYEE ID: 069321  
GENDER: Male  
EMPLOYMENT STATUS: Active  
CURRENT BUREAU/DIVISION: 0850 Design Bureau  
BUREAU/DIVISION AT FILING: 0850 Design BureauGRIEVANCE DETAILGRIEVANCE DATE: 04-01-1997  
DISCRIMINATION TYPE(S): No DiscriminationNOTICE TO ATTORNEYS DATED:  
GRIEVANCE ISSUE(S): Promotion/ReclassificationSTEP 1INITIAL RESPONSE DATE:  
SUPERVISOR:  
FINDINGS: Unfounded  
RESPONSE: SettledSTATUS: Resolved  
RESPONSE DATE: 04-21-2005STEP 2FINDINGS DUE DATE:  
INVESTIGATOR:  
MEETING DATE:  
FINDINGS:  
RESPONSE:STATUS:  
MEETING LOCATION:  
MEETING TIME:  
RESPONSE DATE:STEP 3OFFICER ASSIGNMENT DATE:  
HEARING OFFICER:  
HEARING DATE:  
FINDINGS DUE DATE:  
FINDINGS:  
RESPONSE:  
RESPONSE PARTY:STATUS:  
HEARING TIME:  
EXTENSION DATE:  
RESPONSE DATE:STEP 4ARBITRATION REQUEST DATE:  
ARBITRATOR:  
ARBITRATION DATE:  
FINDINGS DUE DATE:  
FINDINGS:STATUS:  
SELECTION DATE:  
ARBITRATION TIME:

Form 13  
Revised (1/1/1999)EMPLOYEE PERFORMANCE APPRAISAL  
STATE OF ALABAMA  
Personnel Department☐ Number  
of Steps

Employee Name: LEROY WILLIAMS Social Security Number: 423-80-8026  
 Agency: 012/TRANSPORTATION Division: 0850/DESIGN  
 Classification: ENGINEERING ASSISTANT Class Code: 20116  
 Period Covered From: 03/01/2001 To: 03/01/2002 Annual Raise Effective: MAY 2002

APPRAISAL SIGNATURES: Signatures are to be provided after the form has been completed.

Rating Supervisor	Employee	Reviewing Supervisor
SSN <u>418 - 08 - 3897</u>		SSN <u>419 - 60 - 2797</u>
<u>WKK</u> , CE	<u>Leroy Williams</u>	<u>[Signature]</u>
Signature	Signature	Signature
<u>Feb. 14, 2002</u>	<u>02/14/02</u>	<u>2-14-02</u>
Date	Date	Date
<u>WKK</u>	<u>[Signature]</u>	
Initial if comments are attached	Initial if comments are attached	Initial if comments are attached

**PERFORMANCE APPRAISAL SCORE:** Locate the Responsibility Score on the back of this form and write it in the appropriate space. Locate the Disciplinary Score, also on the back of this form, and write it in the appropriate space. The Disciplinary Score is subtracted from the Responsibility Score to derive the Performance Appraisal Score.

<u>20.0</u>	<u>0.0</u>	=	<u>20.0</u>
Responsibility Score	Disciplinary Score		Performance Appraisal Score

This employee's work:

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does Not Meet Standards (6.6 or below)	Partially Meets Standards (6.7 - 16.6)	Meets Standards (16.7 - 26.6)	Exceeds Standards (26.7 - 36.6)	Consistently Exceeds Standards (36.7 - 40)

**WORK HABITS:** Check the appropriate box for each work habit area. If "Noncompliance" is to be marked, a step of the discipline system (warning, reprimand, suspension) must have been taken with the employee during the appraisal period. See the Disciplinary Actions area on the back of this form for disciplinary documentation.

Attendance

☒☐

Punctuality

☒☐

Cooperation with Coworkers

☒☐

Compliance with Rules

☒☐DEFENDANT'S  
EXHIBIT

tabbies

J



Don Siegelman  
Governor

ALABAMA DEPARTMENT OF TRANSPORTATION  
1409 Coliseum Boulevard, Montgomery, Alabama 36130-3050

February 19, 2002



Paul Bowlin  
Transportation Director

Mr. William F. Adams  
Location Engineer  
Location Section, Design Bureau  
Montgomery, Alabama

Re: Performance Appraisal of Leroy Williams, Data Editor, Engineering Assistant.

On this date, I interviewed with Mr. Leroy Williams regarding his performance appraisal for the last period. Mr. Williams accepted the position of Data Editor on June 6, 2001. His Form 40 did not reflect those responsibilities until November. Mr. Williams brought this to attention. Therefore, he was appraised with his previous responsibilities.

The past performance of Mr. Williams was scored as "Meets Standards". Mr. Williams is an adequate employee. He performs his duties as requested. He has continued to exhaust his leave until recently and has not shown additional effort to exceed standards.

Mr. Williams prefers to be scored as exceeding standards to warrant a two-step increase in salary. I am unable to score him higher than his performance. Over the full appraisal period, Mr. Williams has performed as scored.

He was initially appraised on his current responsibilities. He was scored as "Meets Standards" under those responsibilities. His response was "as long as I get a raise in pay, the score is ok." After I confirmed a "Meets Standards" was only a one step raise in salary, Mr. Williams decided to challenge his score and not to sign the appraisal.

Mr. Williams requested the Data Editor position and has the ability. He has struggled to learn this position and is making progress. He meets standards as a new Data Editor. The standard may be raised over the next appraisal period due to experience.

Data Editor is a high level EA position and requires a large amount of independence, knowledge, and an understanding of practical application. This is very different from manual labor required from introductory EA's. A higher standard is set.

Mr. Williams is a valued employee and an important part of Location Survey. Much is expected from Data Editors and Leroy will work to exceed standards.

I personally believe Meets Standards should warrant a two-step annual raise in salary and this may have caused employees to be scored at higher levels in the past. It is my responsibility to score all employees truthfully and by their performance, without regard to their annual raise in salary.

Sincerely,

A handwritten signature in dark ink, appearing to read 'W. Keith Kirkland', followed by a large, stylized 'CE'.

Wm. Keith Kirkland  
Chief of Party

cc: File  
Mr. Leroy Williams



COMPLAINT FORM

Please complete the following information completely and return to:

Your immediate supervisor, Division EEO Representative, or Ron Green, Chief, Human Resources Bureau, 1409 Coliseum Blvd., Montgomery, Alabama 36130.

1. Name: Leroy Williams
2. Address: 3526 Gilmer Avenue, Montgomery, AL 36105
3. Job Classification: Engineering Assistant
4. Job Title: Engineering Assistant
5. Bureau & Division: Design/ Location
6. Name of Supervisor: William Mac Rotten
7. Nature of complaint: Mr. Rotten removed me from the Data Editor position to the field in retaliation for my attendance and participation in the Accelerated University Training program and/or special affirmative action training
  - (a) Is your complaint based upon discrimination X Yes      No  
(If yes, please indicate below what type of discrimination you are complaining about)  
  
Race X Gender      Religion       
National Origin      Disability      Retaliation X
  - (b) What is the wrongful act or omission that you are complaining about?  
  
Please see above  
(attach additional pages if needed)
  - (c) Please specify the date(s) in which the wrongful act or omission occurred.  
  
July, 2000
  - (d) Who committed the wrongful act or omission you are complaining about?  
William Mac Rotten

DEFENDANT'S  
EXHIBIT

tabbies

8. List the names of any witnesses who you believe have information about your complaint.

My supervisor has information about my complaint.

9. How were you affected by the wrongful act or omission?

The Data Editor position was a stepping stone to the CE classification. The Design Bureau issued a brochure indicating that candidates for the CE classification in our division must first hold the Data Editor position. I will not be able to move from my current position in the field into a CE position. I will first have to return to a Data Editor position and I will be unable to do that until the position opens again and I am once again provided the opportunity to fill the position. Mr. Rotten's action has delayed my progression and career development with ALDOT and I believe that he has done so on the basis of my race and in retaliation for my participation in the special affirmative action training.

10. What resolution do you suggest for this complaint?

I propose that I be returned to the Data Editor position. I also do not want the time I have spent away from the position to adversely affect any future promotion to the CE classification.

All issues of wrongdoing alleged by you and not specifically set forth on this form will be barred from future claims. However, other claims that arise after the date of this claim may be brought according to the provisions of the grievance procedure.

Reroy Williams  
Signature of Grievant

10-05-00  
Date Submitted

Complaint Submitted To: \_\_\_\_\_

CAMPBELL, WALLER & POER, L.L.C.

ATTORNEYS AT LAW

2100-A SOUTHBRIDGE PARKWAY, SUITE 450  
BIRMINGHAM, ALABAMA 35209

Wendy T. Tunstall

205-803-0051  
FAX 205-803-0053

Direct Dial: (205) 803-7314  
E-mail: [wendyt@cwl-law.com](mailto:wendyt@cwl-law.com)

January 23, 2003

VIA FACSIMILE AND U.S. MAIL


Kell A. Simon, Esq.  
Gordon, Silberman, Wiggins & Childs  
1400 SouthTrust Tower  
Birmingham, AL 35203

Re: *In the Matter of LeRoy Williams - Grievance No. 736*

Dear Kell:

This letter will confirm our earlier telephone conversation in which you stated that Mr. Williams has withdrawn the above-reference grievance.

Sincerely,

  
Wendy T. Tunstall

cc: Sandi Dietz  
Tamula Yelling, Hearing Officer  
Michael Cooper

DEFENDANT'S  
EXHIBIT  
L

11/22/00 736  
 - Pay to attorneys  
 ✓ Step 1:  
 - Rejects  
 ✓ - Pending  
 ✓ Make copy for me.

## GRIEVANCE REPLY FORM

This reply must be completed by the supervisor or division head and provided to the grievant within five days of the docketing of the grievance.

Name of grievant: Leroy Williams

Docket No: 736

Name of Person Responding: William Adams

In reference to the above complaint, Mr. Williams was "rolled back" to a Senior Targetman position on July 10, 2000 due to a critical manpower shortage in our field crews. We had to temporarily collapse one crew and reassign its members to other crews until we can hire additional personnel to fully staff all of our crews. This decision was discussed with and approved by the Director's office.

It is noted that Mr. Williams was in the Data Editor position for approximately one-month prior to being reassigned to the Senior Targetman position. It is also noted that the Data Editor and Senior Targetman positions are both classified as Engineering Assistant, which is Mr. Williams' current classification.

Seniority was the prevailing rule on these temporary changes. Mr. Williams was the last Data Editor to be appointed and therefore he was temporarily reassigned as a targetman. The crew Mr. Williams was reassigned to has a very experienced data editor who can help train Mr. Williams as time allows.

The Data Editor position is a critical position in our field crews and requires a very in-dept working knowledge of computers and drafting procedures. This position requires a person to be on the job on a regular basis as the information gathered by the crew each day must be processed so that jobs can be completed in a timely manner.

A Data Editor vacancy was created on August 18, 2000, when an employee took a leave of absence to return to school. This position was filled by a person already assigned to the crew in which the vacancy occurred and was in training under the data editor who left. Mr. Williams was considered for this vacancy, but based on a memorandum from Ms. Roslyn Cook-Deyampert dated June 26, 2000, that stated employees involved in the Accelerated University will have very little office time, it was decided not to try to assign Mr. Williams to a Data Editor position at this time. Mr. Williams had been away from the job for training on 27 of the 65 workdays since that time.

As stated earlier, Mr. Williams is to be trained for the Data Editor position by Mr. Vernon as time allows. Mr. Vernon is a very experienced Data Editor and will hopefully have Mr. Williams trained and ready to assume the Data Editor position in the seventh crew when it is reactivated.

Grievance Reply Form

Page 2

Docket No 736

Mr. Williams was not the only person effected by these temporary assignments and some employees were rolled back to lower classified positions than the classification that they currently hold. Hopefully these assignments will only be for a short period of time and the Department will be able to hire employees so that we can fully staff all seven crews at which time Mr. Williams will be once again assigned to a Data Editor Position.

Mr. Williams' contention that an individual must hold a Data Editor position to be qualified for a CE position will be determined by State Personnel and not the Design Bureau.

If the grievant accepts this explanation as resolution to his complaint, he should indicate in the space provided below. Acceptance of this response will terminate any further proceedings on this complaint. If the grievant chooses to reject this explanation as resolution, he should so indicate in the space provided. Rejecting this offer of resolution will move the complaint to the next level of investigation.

WFA/tj

Cc: Don T. Arkle  
Location Section

ACCEPT:

\_\_\_\_\_  
Leroy Williams

\_\_\_\_\_  
Date

REJECT:

Leroy Williams  
Leroy Williams

Nov. 29, 2000  
Date



BOB RILEY  
GOVERNOR

ALABAMA DEPARTMENT OF  
TRANSPORTATION

1409 Coliseum Boulevard  
Montgomery, AL 36130-3050

Phone No. 334/242-6775 - Fax No.: 334/353-6505



JOE McINNES  
TRANSPORTATION DIRECTOR

February 22, 2005

Attendance/Punctuality Guidelines

Alabama Department of Transportation employees work a normal 40-hour week. A typical workday is 8 hours with a meal break, not included in the 8-hour work time, and not to exceed 60 minutes in duration. Additionally, a rest break is included for both the first half and last half of the work shift not to exceed 15 minutes in duration. The typical work week is Monday – Friday beginning at 8:00 a.m. and ending at 5:00 p.m. each day. Any deviations in the work week and/or work times are as directed by the employee's supervisor. Employees should be at their work station at 8:00 a.m., not on their way to work or in the parking lot.

If for any reason, an employee will be late or cannot report to work, the supervisor should be notified at the start of the day or as soon as possible. Also, the supervisor should be informed if the employee needs to leave the work site at any time other than a regularly scheduled break period including lunch and/or rest breaks. It is necessary that an appropriate leave slip be prepared, signed, and filed for any such time. Failure to report absences, including arriving at work late or leaving the work site early, or excessive absences could result in disciplinary actions.

Acknowledgment

I acknowledge that I have received and read the above Attendance/Punctuality Guidelines. I have full knowledge of the contents of this policy, and I understand that I am subject to and shall be expected to comply with this policy.

Leroy Williams  
Employee  
Leroy Williams

Feb 28/05  
Date

DEFENDANT'S  
EXHIBIT

M





Bob Riley  
Governor

# ALABAMA DEPARTMENT OF TRANSPORTATION

1409 Colliseum Boulevard, Montgomery, Alabama 36110  
P.O. Box 303050, Montgomery, Alabama 36130-3050



Joe McInnes  
Transportation Director

May 12, 2005

Leroy Williams  
3723 Bridlewood Drive  
Montgomery, AL 36111

Job Classification: 20481 - Transp. Technologist  
Biweekly Entrance Salary: \$1041.50  
Salary Range: \$1041.50 - \$1741.80 Bi-weekly  
Location: Design/Montgomery  
Number of Vacancies: 7  
Rank: 7

Dear Mr. Williams:

We want to congratulate you on being selected for the classification of Transportation Technologist in the Alabama Department of Transportation. Your appointment will be effective May 14, 2005, at a starting salary of \$1041.50 bi-weekly.

As you have already discussed with Mr. Jones, you should report to your crew assignment at 5:00 a.m. in the NW parking lot on Monday, May 16, 2005.

We appreciate your interest in our Department and look forward to continuing our association.

Yours very truly,

*Don T. Arkle*

Don T. Arkle  
Design Bureau Chief

DEFENDANT'S  
EXHIBIT

N

# Leroy Williams

1400 Coliseum Blvd  
Montgomery, AL 36130

Phone (334) 242-8544  
E-mail Williams1@dot.state.al.us

## Education

November 7, 1990 – May 28, 1991  
Interactive Learning System

Atlanta, GA

August 1979 – May 1983  
Tuskegee Institute High School

Tuskegee, AL

## Work History

August 1993 – Present  
Alabama Department of Transportation

Montgomery, AL

## Computer Application

Introduction To Basic Computer Operation  
(Windows, word processing, Lotus, etc...)

## Professional Employee Training

December 7, 1993 – August 27, 2004  
Alabama Department of Transportation

Montgomery, AL

### Engineer Assistant

I started with the Alabama Department of Transportation on location section survey crew on May 28, 1994 as a provisional Engineering Assistant (EA I). After serving five years my experience in the field and office proved that I was an asset to my section, and therefore, I was granted permanent status as an EA on March 27, 1999. I continued working in the field and office for the next several years, and I was privileged to obtain employee training provided by the Alabama Department of Transportation (see attached sheet). I performed various tasks, learned to operate instruments such as total stations, levels, global positioning system, (GPS), and notebook / desktop computers that used software such as Terramodel, MicroStation, etc. On May 18, 2004, I was transferred to Roadway Design where I am presently employed as an EA 2/3. Since then, I have acquired even more experience with computer software applications, completed training on the updated version of MicroStation V8, and I have familiarized myself with InRoads. Through these trainings have my abilities have been polished and my knowledge has blossomed. I am consistently completing assigned task in a timely matter which is a criteria that is required for this position. My previous background in conjunction with my present experience qualified me to provide supervised training in the previously stated applications to others.

## Objective

I am expressing my gratitude by applying for an appointment for the classification: 20481-Transportation Technologist / Design.

DEFENDANT'S  
EXHIBIT

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Alabama Department of Transportation  
Employee Training History

Report ID: HSTRN020

mpId: 069321 Name: Williams, Leroy  
 ace: Sex: Male  
 ob Code: 20115 Job Description: Engineering Asst II/III

Page No. 1  
 Run Date 10/04/2004  
 Run Time 09:21:26

Course	Course Title	Session Number	Begin	End	Attendance	Pass/Fail	Duration
4100	Commercial Driver License--employee Trng	2	12/07/1993	12/08/1993	Completed		21.0
00104	Algebra	2	01/01/1994	04/30/1994	Completed		40.0
00505	Geometry	1	01/01/1995	05/31/1995	Completed		40.0
00100	Aldot Classification Structure Review	1	05/06/1996	05/10/1996	Completed		1.0
00505	Geometry (in-service Math Program)	2	12/06/1996	02/21/1997	Completed		47.0
07109	Career Path Training	2	03/01/1997	03/31/1997	Completed		2.0
00505	Geometry	1	03/05/1998	05/18/1998	Completed	Pass	48.0
08285	1997 Performance Appraisal System Video	1	06/17/1998	06/30/1998	Completed		2.0
01284	Trigonometry	1	10/01/1998	11/23/1998	Completed		12.0
0065	Prevention Of Sexual Harassment	3	12/02/1999	12/16/1999	Completed		6.0
00229	Interpersonal Communication Strategies	2	07/10/2000	07/24/2000	Completed		6.0
00186	Diversity in the Workplace	0001	07/17/2000	07/17/2000	Completed		6.0
00166	How To Handle Difficult People	3	07/17/2000	07/20/2000	Completed		6.0
00272	Project Management	2	07/19/2000	08/07/2000	Completed		6.0
00249	How To Make Dynamic Presentations	3	07/21/2000	08/03/2000	Completed		7.0
00203	Dealing With Multiple Priorities & Demands	3	07/21/2000	08/15/2000	Completed		6.0
00289	Conflict Management	2	08/16/2000	09/11/2000	Completed		6.0
00248	Policies & Procedures	2	08/18/2000	08/25/2000	Completed		3.0
00250	Image Projection/ethics In The Workplace	4	08/23/2000	08/24/2000	Completed		6.0
00209	Situational Leadership	3	09/13/2000	09/14/2000	Completed		6.0
00216	Contract Plan Reading	6	09/21/2000	09/27/2000	Completed		6.0
00217	Technical Report Writing	3	09/27/2000	09/27/2000	Completed		7.0
00388	Manuals Course	1	09/28/2000	09/28/2000	Completed		3.0
000171	Basic Surveying	1	10/02/2000	10/06/2000	Completed		30.0
01004	Aggregate Technology	1	10/11/2000	10/12/2000	Completed		12.0
000504	Geometric Roadway Design	1	10/16/2000	11/03/2000	Completed		32.0
01050	Automated Drafting With Microstation	1	10/16/2000	11/15/2000	Completed		36.0
01037	Advanced Surveying	1	10/23/2000	11/15/2000	Completed		30.0
01054	Employment Law For State Mgrs. And Supervisors	1	11/13/2000	11/13/2000	Completed		6.0
01099	Positive Discipline	1	11/14/2000	11/14/2000	Completed		6.0
01101	Performance Appraisal	1	11/15/2000	11/15/2000	Completed		6.0
01060	Grammar And Word Usage	2	11/21/2000	11/28/2000	Completed		6.0
01101	Performance Appraisal	2	12/05/2000	12/06/2000	Completed		6.0
01116	Time Management	2	12/05/2000	12/12/2000	Completed		6.0
01115	Telephone Dynamics	2	12/13/2000	12/13/2000	Completed		6.0
01044	Contract Plan Reading	2	12/14/2000	12/14/2000	Completed		3.0
01141	Nuclear Safety	1	12/15/2000	12/15/2000	Completed		7.0
01245	Project Liability	1	03/19/2001	03/26/2001	Completed		7.0
01240	Inroads/select Cad Version 8 Workflow Training	3	06/25/2001	07/27/2001	Completed		35.0
990307	Prev. of Violence In Workplace	0006	02/04/2002	02/04/2002	Completed		7.0
990375	Career Path Training	0048	04/15/2002	04/15/2002	Completed		3.5
990375	Career Path Training	0094	08/28/2003	08/28/2003	Declined Offer		4.0
990698	MicroStation V8 Essentials	0002	08/23/2004	08/27/2004	Completed		32.0
990375	Career Path Training				Course Waitlist		0.0

Form 40 - Revised 1/04

## POSITION CLASSIFICATION QUESTIONNAIRE

STATE OF ALABAMA  
Personnel DepartmentPCQ# 2118416  
(For Dept. Use Only)

1. Employee's Name Leroy Williams
2. Classification Transportation Technologist
3. Working Title Field Supervisor
4. Department Department of Transportation
5. Division or Bureau Design
6. Section or Unit Location Section
7. Work Location (County) Statewide
8. Name and title of immediate supervisor (person who assigns work) Thomas W. Lewis Chief of Party
9. Position is: full-time ☒ , part-time ☐ , permanent ☒ , temporary ☐ .
10. SUPERVISION EXERCISED: Only complete this section if this position completes performance appraisals or actually participates in rating other employees. If the position functions as a lead worker and only assigns work, then list that responsibility on item 11B as a duty.
  - a. Total number of employees that this position supervises: 3
  - b. Percentage of time spent on supervision and related duties: 100%
  - c. If this position DIRECTLY supervises 5 or less employees, give names and titles. If this position DIRECTLY supervises 5 or more employees give the number and official classification of each.

Channin Grantham EA II/III  
Rodney Sanders EA I  
Robbie Jones EA I

- d. As a supervisor, does this position: (Check the activities performed)
- |   |                                     |   |                                     |
|---|-------------------------------------|---|-------------------------------------|
| Make daily work assignments?            | <input checked="" type="checkbox"/> | Interview and make hiring recommendations?  | <input type="checkbox"/>            |
| Approve and Disapprove leave requests?  | <input type="checkbox"/>            | Recommend disciplinary actions?             | <input checked="" type="checkbox"/> |
| Reassign job duties on permanent basis? | <input type="checkbox"/>            | Prepare and conduct performance appraisals? | <input checked="" type="checkbox"/> |

## 11. DESCRIPTION OF DUTIES PERFORMED:

- a. In one or two sentences, describe the major purpose of this position.

To assign and oversee the daily operation of the Survey Crew.  
Being responsible for all calculations, equipment, and problem solving related to the survey work both in the field and in the office, must be completely knowledgeable on all equipment and mathematics involved in survey work.

DEFENDANT'S  
EXHIBIT

P

Equipment manual	Operating electronic level, H.P. 48, Geodimeter, and other electronic equipment
Guidelines for operation	Daily operational procedures for knowledge of the job, Governs data collection accuracy and tolerances as well as format for submission
Geometric Design of Highways and Streets	Guidelines and policies for State Survey

How is this position's work reviewed? (Check one)

- ☐ Supervisor reviews most or all of work while it is being done.  
☒ Supervisor spot checks work as it is being done.  
☐ Supervisor reviews most or all of work after completion.  
☐ Supervisor spot checks work after completion.  
☐ Supervisor does not review work.  
☐ Other. (describe fully)

16. WORK CONTACTS: With whom, outside of co-workers in this unit, must this position regularly come in contact?

Who Contacted	How (Phone, in person, etc.)	Purpose of Contact	How Often
General public	Phone, in person, etc.	Survey	Monthly
Courthouse	Phone, in person, etc.	Survey	Monthly
Utility	Phone, in person, etc.	Survey	Often
Property Owners	Phone, in person, etc.	Survey	Often

17. EQUIPMENT USED: List any equipment used regularly. Give percent of time spent in operation of each. For vehicles and construction and maintenance equipment operated, indicate capacity, e.g., tonnage, yardage.

Total Station	20%	Electronic Level	10%
Data Collector	10%	Carry all	5%
H.P. 48 Calculator	10%		
Digital Planimeter	10%		

a. Does this position require typing?

☒ NO

☐ YES--Give % of time spent in typing [ ] %

b. Does this position require taking shorthand?

☒ NO

☐ YES--Give % of time spent in shorthand %

b. Duty Statement: *(Complete Column "C" first)*

- In column A, indicate PERCENTAGE of time spent on each duty (total should not exceed 100%).
- In column B, rate the duties as to their IMPORTANCE. VI-Very Important I-Important SI-Somewhat Important
- In column C, describe in detail each of the position's PERMANENT duties and responsibilities using your OWN words.

A %	B rating	C Description of Duties
20	VI	Instructs employees so that project productivity standards are established and met with each project being completed without valid delay.
15	VI	Assigns employees work so that all work is performed and productivity standards are met each day with each goal or project being completed without valid complaint or delay.
15	VI	Operates personal computer so that information is transferred, compiled, and provided to designers with minimal errors and without valid delay.
15	VI	Oversees the gathering of all field survey information so that all pertinent project data can be compiled and provided to designers with minimal errors and without valid delay.
10	VI	Compiles information so that field maps, utility maps, profile maps, and requires pertinent project data are provided to designers with minimal errors and without valid delay.
10	VI	Trains employees so they are afforded the opportunity to learn correct surveying methods, and are able to perform assigned tasks at a fully competent level with no valid complaints or delays.
10	VI	Communicates orally with individuals so that instructions are received, information is properly exchanged, and problems are solved with no valid complaints.
5	VI	Supervises and monitors employee work so that accurate performance appraisals are made and Discipline, if needed, is administered with no valid complaints from supervisors or employees.

(Attach additional sheets if necessary).

12. DECISION MAKING: Give example(s) of the more important decisions made while performing the duties of this position. Then list the possible effect of error(s) on the organization or general public.

Progress of Field work, crew assignments, calculation accuracy and tolerance as well as format for submission.

13. FINANCIAL RESPONSIBILITY: If this position has responsibility for controlling and/or authorizing the expenditure of funds, please describe and indicate approximate amount controlled.


14. WORK GUIDELINES: (Only include written guidelines) List the specific laws, regulations, instructions, manuals, or procedures that must be followed in performing this job and describe how they are used.

LIST ITEM	HOW USED
AASHTO Manual	Set controls and develop designs that meet standards



ITEMS TO BE COMPLETED BY IMMEDIATE SUPERVISOR AND/OR APPOINTING AUTHORITY

18. Are the statements of the employee accurate and complete? (Indicate inaccuracies and incomplete items)  
YES
19. If duties listed are for reallocation of position, what additional and/or more complex duties have been added to this position to warrant reallocation. N/A
20. List any required licenses, registrations, certifications, or special requirements necessary to perform the job.  
N/A
21. Check below the type of supervision provided by the immediate supervisor to this position.  
☒ CLOSE/HANDS ON or ☐ GENERAL/ADMINISTRATIVE
22. Additional information and comments (additional sheets may be attached, if necessary).

Item #	The reason for this form 40 is to establish the duties of a newly promoted employee.

## VERIFICATION - READ CAREFULLY BEFORE SIGNING

I hereby certify that I have read the above and verify that it is, to the best of my knowledge, correct and accurate.  
I understand that disciplinary action could be taken against anyone who knowingly provides false information.

Foray Willins 05/25/05 242-6175  
Signature of Incumbent Date Telephone # (ATTNET)

Thomas W. Lewis 5/25/05 Chief of Party TRANS. TECH. 242-6175  
Signature of Supervisor Date Title/Classification Telephone # (ATTNET)

DTM 06/17/05   
Signature of Appointing Authority Date Telephone # (ATTNET)



Bob Riley  
Governor

## ALABAMA DEPARTMENT OF TRANSPORTATION

Design Bureau

1409 Coliseum Boulevard, Montgomery, Alabama 36110  
P. O. Box 303050, Montgomery, Alabama 36130-3050  
Phone: 334-242-6178 FAX: 334-269-0826



Joe McInnes  
Transportation Director

July, 26 2005

### MEMORANDUM

To: Leroy Williams, Transportation Technologist  
Field Supervisor

From: Thomas W. Lewis  
Chief of Party

RE: Reprimand for Repeated Tardiness

Mr. Williams, on Monday, July, 25 2005 you reported to this office in Tuscaloosa at 7:14a.m. You are given 2 hours of driving time from the Montgomery office to this office. Your reporting time in Montgomery is 5:00am and therefore if your report to the office here in Tuscaloosa any time after 7:00am you are considered late for work (tardy).

This is the 4<sup>th</sup> time you have been tardy since May, 16<sup>th</sup> 2005, the day you were assigned to this crew. Please refer to the following:

Occasion One: On Wednesday June, 1 2005 you reported to the parking lot in Montgomery at 5:05a.m. which was 5 minutes late. At that time I informed you that being tardy was unacceptable. This was a verbal warning.

Occasion Two: The very next day I instructed the crew to meet in the parking lot of the motel where everyone was staying in Auburn. You did not report at that location and I had to be told by another crew member where you were. That in itself is an infraction because you did not do as instructed. All other crew members reported just as I had instructed. I told you on that day you were late, because you were not where I told you to be at 7:00a.m. I

DEFENDANT'S  
EXHIBIT

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explained if you were late again you would be subject to disciplinary actions. This was a second verbal warning.

Occasion Three: On Monday, June 20<sup>th</sup> you did not arrive at the office in Tuscaloosa until 7:30a.m. You called me that day and told me your stomach was bothering you. Even though you told me you were sick you went on out and worked the rest of the day like there wasn't anything wrong. I explained to you the importance of being on time to set an example for the crew members you supervise. This was a third verbal warning and a pattern had developed.

Occasion Four: And now on Monday, July 25<sup>th</sup>, you did not report to the office here in Tuscaloosa until 7:14a.m. You did not notify me even as I talked with you on the Southern Line BEFORE 7:00a.m. That in its self is grounds for a Reprimand. I am mystified as to why you did not mention to me that you were going to be late because you should have been very aware that being tardy is not acceptable.

The policies set down by our department plainly state that you must notify your supervisor if you are going to be late and that excessive tardiness will not be tolerated.

Consider this written reprimand as the next step in the disciplinary process concerning your being tardy. The first steps included the verbal warnings already mentioned. Also consider this as a warning that the next time you are tardy you will be charged LWOP and you will receive another discipline (possibly another reprimand and/or a suspension).

This is a very serious matter and it will be reflected on your next grade sheet. I trust you understand that you must adhere to the rules set forth by the Department or you can cause serious injury to your career. I should also remind you that you are still in the early stages of your six-month probationary period as a Transportation Technologist and this type of behavior is detrimental to your being assessed as a dependable employee. And certainly as a Field Supervisor, you should be setting the example for the subordinates in your crew.

Thomas W. Lewis  
Chief of Party



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Bob Riley  
Governor

J.D. McInnes  
Transportation Director

July 28, 2005

### MEMORANDUM

#### Counseling Session

Leroy Williams, Transportation Technologist  
Field Supervisor

Re: Probationary Performance Concerns

On this date, a counseling session was held with Leroy Williams, referenced above. Also present was Mr. Thomas Lewis, Party Chief, who is Leroy's immediate supervisor. My concerns involved several areas that were well documented by Mr. Lewis (see attached). I felt it necessary to immediately discuss those concerns with Leroy so that he could concentrate on improving in those areas. I will refer to Mr. Williams as Leroy and Mr. Lewis as Tommy.

Leroy was promoted to Transportation Tech as a Field Supervisor and reported to Tommy on May 16, 2005. Leroy is presently being assessed during his six month probationary period and is now at his second month in the classification/job. Tommy has been keeping me informed on Leroy's progress or lack thereof. After two months, it has become obvious to me that Leroy is lacking in many areas as a Field Supervisor and this has me concerned. The following is a summation of the meeting and of the notes used for the session:

#### Working Skills

Leroy shows a definite weakness in math skills as related to surveying. For example, he was unable to calculate angles, azimuths until Tommy showed him how. Leroy told me he now knows how and can do them easily. My concern is that he writes all these things down as he is taught because he may forget. Since he has had high school geometry, three courses in geometry through the ALDOT, one course in trigonometry through the ALDOT, and several years in Location Surveying, I would have assumed that he would have garnered these skills necessary to do the job. I advised Leroy that he had to concentrate on improving these skills and that he should ask Tommy for hands on training. I also advised Leroy to take good notes and KEEP them to refer to so that he is not susceptible to losing the skill through a lack of good memory. We cannot have a crew standing around for an extended time because Leroy is spending too much time doing a calculation or is wasting time because Leroy doesn't know how to do a needed calculation.

He shows a lack of skills concerning checking his work in the field to ensure accuracy. Tommy had to instruct him several times about this and even to the point of demanding that he do the "checks". Leroy had been argumentative with Tommy concerning this directive which is unacceptable. There have been errors made that have caused a waste of time already because Leroy did not do as he was told. This is a common knowledge skill that Leroy should have learned through the years he has worked in a crew. I advised Leroy that he is being held responsible for doing the work accurately and timely....and for sure, to check his work if for no other reason than his supervisor told him to. I advised him to glean knowledge and

DEFENDANT'S  
EXHIBIT

B

written by  
T. Lewis

had open had a layer *Isolated* hiding all other layers with the information you were looking for. Evening after working with this file many times you did not recognize the information you had worked with in the past was not showing up.

#### h. Math skills

- ✓ 1. On June 2<sup>nd</sup>, I had to show you how to add and subtract angles. I also had to show you how to convert a bearing to an azimuth. I actually had to draw you a diagram to show you how to do this.

#### i. Managing you workers

- ✓ 1. You have come to me and said the reason you don't get as much work done as I think you should is because of the people you supervise. You say that they don't know what to do. You said to me that the men should know they need to cut the stub down low, so you think you don't have to tell them to do this. I tell you its not that they don't know this, it's that they are not going to do it unless you tell them to. It is easier to cut them up high. If you can't the worker's that you supervise to get the job done, then you are not doing your job as a supervisor. You can't take this personally it's a job and it has to be done correctly. It is your job to tell them to cut the stub down low. Don't assume that they should already know to do this. At some point you have to let these people know you mean business.

#### j. Training your workers

- ✓ 1. I have been confronted by one of your subordinates that they can't go to you and ask how to do something. They say that you want take the time to explain it to them where they can understand it. Now this employee has to go to some one else to learn the task. There again training employees is a skill you have to have in order to be a supervisor.

#### I. Prejudges

- a. Accusing me of being prejudices will not be tolerated.
- b. Nothing I have said to you has been in a prejudice manner.
- c. We all must learn to communicate in a professional manner and that is the way I was speaking to you.
- e. When you are a supervisor, you must learn how to speak to your employees and your employers, especially those that are over you. You are to treat your superiors just as what they are, supervisor.



written by  
T. LiwinB. Checking your work

I have told you time and time again time again about checking your field work. It's the only way you can be efficient. All of this could still fall under not following directives

1. On May 17<sup>th</sup>, I found out you had had a problem the day before. I told you needed to be checking your work to keep things like that from happening.
2. June 15<sup>th</sup>, I had to tell you to check your work again to see if you had the sufficient information that was needed to cover the area in question.. I explained to you that all you had to do was load the information that you had gathered and see if it covered the area properly.
3. July 19<sup>th</sup>, once again I had to tell you to check your work after running some 3,000 ft of traverse without checking a previously established point. I explained that all you have to do is load one of the previously established coordinates and stake it out to find a point and see how much you have missed it. I have provided you with a laptop to keep in the truck to do this with. You have the files on the computer with this information. This is a tool that you need to use. Even as I was telling you this, you were telling me the information you were gathering was good " it looks good when I downloaded it. It must be good. After I made you go back and check the traverse what did you find? You found you had over a 1 foot err. Now you have spent almost 2 days trying to find the err. This is time wasted.

C. Working Skills

## g. Computer Skills

1. May 16<sup>th</sup>, the day that you first started on this job, I asked you what kind of experience you had with the computer. You stated that you had been a data editor and you knew a good bit about terra model.
2. July 6<sup>th</sup>, I had to give you a lesson on how to draw a line in terra Model and how to draw points by station offset. I have also had to show you how to load image files into model. These are basic skills in model that one of your standing should already know.
3. Monday, July 18<sup>th</sup> I had to show you how to write out a points file in a station offset format, but yet you told me that you were a data editor and you knew a good bit about the program.
4. July 27<sup>th</sup>, I had to explain how to draw an alignment up on the computer. This is the same thing I had to show you back on July 6<sup>th</sup>. How to draw a line. The problem I saw on this day was. You had the information to draw the alignment with, but you did not know how to retrieve the information. The Terramodel file you



Mr. Leroy Williams  
Work Performance  
Counseling Session  
July 28, 2005

Written by:  
Lewis

A Not Following directions

1 May 16<sup>th</sup>, 2005, the first day you reported to this office we all sat down and discussed that you, as a supervisor, do not have the authority to let people off with out my approval. We also discussed work times, and the importance of not being late.

a. Work Times

1. On May 16<sup>th</sup>, we discussed what the work times were:  
5:00 a.m. to 5:00 p.m. Monday  
7:00 a.m. to 5:00 p.m. Tuesday and Wednesday  
7:00 a.m. to 7:00 p.m. Thursday.


b. May 24<sup>th</sup> I took you out and showed you the new project and what work we need to do. I explained when working around the Interchanges you should not set radial points with out checking them for accuracy. When we started checking our files an err was found. After going back checking I realized that you had set radial points to work off of. I told you go run a closure loop on the points, not once but twice before you did it the way I had told you to

- c. Tuesday, May 31<sup>st</sup> you came into the parking lot in Montgomery 5 minutes late. On this same date, I instructed you to meet with me in the parking lot of the motel at 7 a.m.
- d. Wednesday, June 1<sup>st</sup> you were not at the motel parking lot, where I had instructed you to be the day before. You took this upon yourself not to follow my instructions and you did not notify me of this. You informed Rodney instead of your supervisor. I do not know where you were, so as far as I'm concerned you were late that day also.
- e. Thursday, ~~July 28<sup>th</sup>~~ you let everyone go at 1:00 p.m. with out my approval, then you told me you let them go at 2:00 p.m. This is insubordination.

June 30

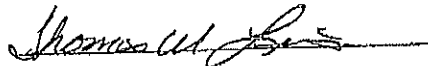
After having talked with Leroy as summarized above, I feel confident he now understands that Tommy and I are concerned about his lack of performance and his weaknesses in certain areas. One of the main things that I repeatedly suggested that he do concerning retaining training that Tommy provides, is to take good notes and refer back to them as needed. I feel confident that he now understands fully what is expected and how he needs to go about improving. I assured him that Tommy will be right there to help him with areas where he is weak. However, Leroy now understands that he is ultimately responsible for his performance, for his retention of knowledge. He is ultimately responsible for doing his best to at least meet standards required to earn the right to become a permanent employee in the Transportation Technologist classification at the end of the six month probationary period. I told Leroy that his "mid appraisal" (three months) was approaching in about a month and that we would reassess at that time. I told him that we would be meeting often if Tommy did not report vast improvements in all areas. He said he understood. I assured Leroy that it is our desire to see him improve and we will try our best to help him do that.

NOTE: As noted above, I am recommending to Tommy to delay submitting the written reprimand pertaining to tardiness until he makes the drive directly from Montgomery to Tuscaloosa. He is to leave at 5:00 a.m. sharp and be very conscious to drive the speed limit at all times and note the time it takes to make the trip. If the time is more than the allotted two hours, then the reprimand will be rescinded. If the drive proves to fall within the two hours, then the reprimand will become an official disciplinary action on Leroy Williams. Leroy had been explained this during the counseling session and he agreed to this approach.



Joe E. Jones, Asst. Location Engineer, Field

Witness:



Thomas L. Lewis, Party Chief

Cc: Mr. Don Arkle  
Mr. William Adams  
Mr. Thomas Lewis

Example: Leroy said he did not hear one of the directives to meet at a motel on a particular morning (see attachment). Since ALL other crew members heard the directive, and even the man sitting beside Leroy heard the directive, it is a mystery to me how he did not hear it as well. It seems to me that Leroy simply wanted to do what HE wanted to do and ignored the directive. This is not acceptable. I advised Leroy that he must always be cooperative and do what he is told. Since he is the Field Supervisor, he must be the FIRST to set the example for the rest. I also told Leroy that it is his responsibility to be informed EVERY day as to matters such as this. It is a shame that all subordinates reported as instructed and Leroy, the Field Supervisor, did not.

### **Tardiness**

We discussed all FOUR times Leroy has been noted as arriving for work late by Tommy. Leroy did not deny that he was late but only that he was not as late as Tommy had noted. I advised Leroy that the amount of time he is late is not the issue but, rather, the fact that he was late is the issue. First, his being the second in charge of a crew as a supervisor demands that he set the example by NEVER being late and certainly not being late often. I made sure he understood that work rules are to be adhered to without question. Being tardy is not acceptable and will be dealt with swiftly if a pattern develops... which in Leroy's case, the pattern has developed. Secondly, since every crew works as a "unit", it is imperative that all members be at work on time or the whole crew suffers.

Since Leroy had been warned THREE previous times about tardiness infractions, Tommy gave a written reprimand the fourth time when Leroy arrived at the office late on Monday morning (see attached reprimand for details). However, because Leroy stated that the allotted drive time from Montgomery to Tuscaloosa is not a reasonable drive time, I have asked Tommy to withhold the reprimand UNTIL he personally makes the drive himself under the same conditions that Leroy made. Leroy says the drive takes 2 hours and 25 minutes if you drive the speed limit. The difference in the drive time allowed and what Leroy says it takes is roughly 25 minutes. The allotted time is two hours but Tommy tells me the crew is always there on Mondays around 6:40 to 6:50 a.m. If this is true, then according to Leroy, the crew has to be driving at a high rate of speed and this is not acceptable. If Tommy proves the drive to be less than two hours under the same conditions that Leroy describes, then the reprimand stands. If the drive is proven to take more than two hours, then I recommended to Tommy that he rescind the reprimand. HOWEVER, I advised Leroy that the first three warnings will remain on record and that the next infraction of tardiness WILL RESULT in a reprimand. He said he understood and seemed to have no problem with that approach.

What causes concern for me is that this "two hour" drive time has been in place for MORE than a year now and was put in place by the previous Party Chief, Joe King. Not one time has any individual in that crew ever mentioned that the drive time was not long enough. We will assess this carefully as Leroy's career could be adversely affected if the two-hour drive time is accurate. A reprimand is not given lightly because it is such a negative on one's grade sheet. An addendum will be inserted below on the results of the drive/test that Tommy has been instructed to do.

Within this entire subject is an included fact that Leroy was driving his personal vehicle those times he was late. I made sure he understood that if he chooses to drive his private vehicle (we furnish transportation in the Carryall), then he is obligated to arrive at the allotted time and for sure BEFORE the carryall. He said he understood. I also advised him that his privilege of driving his private vehicle could be revoked if he persisted in being late while driving his own vehicle. By his traveling in the Carryall, we can assure that he will arrive on time and his problem will be should be solved.

I warned Leroy that arriving at the parking lot on Mondays at 5:00 a.m. is mandatory and is not debatable. If a person arrives later than 5:00 a.m., then he is late. If the time for arrival at the Field Office is set at 7:00 a.m. by the Party Chief, and it is an accurate allotment, then if one arrives AFTER 7:00 a.m., he is late. Those are the rules and they are not up for question. He said he understood.

### **SUMMARY:**

direction from Tommy on all work because Tommy has many years of experience as a Field Supervisor and is one who has a vast knowledge of Location Surveying procedures.

He shows a severe lack of skills in working with Terramodel. Even though this is not a highly required skill to be a good Field Supervisor, it is desirable. Since Leroy had been a Data Editor for over a year, I would have assumed that he had a pretty good working knowledge of Terramodel and could build basic alignments and/or retrieve data as needed. According to Tommy, this is not the case. Leroy had advised Tommy on his first day that he knew Terramodel and had a good understanding. Leroy noted on his resume and his application that he worked in the Data Editor job for a good while. I have advised Leroy to ask either Tommy or the Data Editor in the crew to show/teach him what he needs to know to work efficiently in the program...and to be able to find and retrieve data as needed without delaying the work process. I again advised making good notes and hanging on to them for reference in the future.

From discussions with Tommy over the last two months, I am concerned that Leroy does not have a really good grasp of what is required on a survey, even on a daily basis. Once again, Leroy should have accumulated enough knowledge and experience over his years in a survey crew to make him highly efficient and skilled and knowledgeable about what is needed to complete a survey. This is not the case according to the overall operations that Tommy has been reporting to me. Tommy says he is having to work late many nights just to catch up on his work because he is spending so much time teaching/showing Leroy how and what to do. Also, Tommy says he is spending too much time checking and correcting errors made in the field due to bad procedures. Again, Leroy told me in his interview that he was a better qualified candidate for the job because of his experience in Location Surveying AND because of the training that had been offered by the ALDOT. Leroy is not exhibiting the qualities that I expected from him because of his experience he talked about. I advised Leroy that the lack of knowledge pertaining to what is needed on a daily basis is a surprise to me after having interviewed him and having read his resume. I told him he needed to concentrate really hard on getting a better feel for what is required by asking questions and communicating closely with Tommy and the Data Editor. If he will do this, progress will not be hampered due to "floundering" caused by his ineptness. Once again, I advise Leroy to take good notes and then hang on to them for reference.

Leroy shows a lack of management skills in that he cannot effectively supervise his subordinates. Leroy stated to Tommy that he was not getting as much work done as he could "...because his people didn't know what to do." I told Leroy that correcting this problem was his job. As a field supervisor, and according to his form 40, one of his tasks is to train subordinates so the surveys are done efficiently and accurately and without delay. I advised Leroy that he must separate himself from the "worker" mentality and become more aggressive in the supervision and training aspect of the job. If the subordinate doesn't know what to do, then he must show him. If the subordinate doesn't perform well or is "dragging around" then he must approach that individual and square him away. One of the subordinates even complained to Tommy that they couldn't get Leroy to explain things to them. That subordinate then would have to ask somebody else how to do a certain chore. I advised Leroy to be focused on his subordinates' weaknesses and do all that he can to teach them. The very least Leroy should do is make sure that he communicates clearly to them what it is he wants them to do at any given time. After a while, they too will be expected to catch on and do their work without specific and continuous directives when performing redundant tasks.

#### **Doesn't Follow Directives**

This concerns me greatly. Tommy noted several directives that he had given Leroy at different times and that Leroy had ignored them or did not react to them. (see attachments). This is not acceptable. I informed Leroy that if Tommy gives a directive and it is not illegal or harmful, then he must do his best to do exactly what was told him. If he ignores or simply does not do what the supervisor asks or directs, then he actually is being insubordinate. I made sure Leroy understood that insubordination is one of those things that can cause termination on the FIRST offence. I asked Leroy if he would allow a subordinate to ignore or disobey a directive. He answered "No". He then seemed to understand that he should be then cooperative with Tommy and do as he directed EVERY time. I told Leroy that if he did not agree with the directive, not to ignore it, but go ahead and do it. THEN, while alone with Tommy, voice his suggestion that the task be done a different way. Tommy may not change his mind but then again, he might.

written by:  
T. Lewis

- f. Telling me the reason we are in a racial lawsuit is because we did not train employees is not an appropriate way to talk to your superior and it will not be tolerated.

## II. Transfers

- a. There will be no transfers from the crew you are with now, at least not for the reason that you gave me earlier.
- b. Just because you think I'm being too hard on you is not reason enough to be asking for a transfer.

## Summary

It has become an every day thing. I have to show you how to do some miner task in Terramoldel, how to run a closure loop, how to set up files to work with. I am spending so much time trying to train you to do your job, I have to work late just to complete my work. I could understand spending this much time training a new Supervisor that had no experience in surveying. But you have been exposed to so much information in the past working with the Location Section along with the other Sections. I can not understand why you have not learned these skills in the past.

In the interview with Mr. Jones, you told him you had the skills to be a supervisor. When you came out to the field you told me you had the skills to be a supervisor. Now, you are being held responsible for your work as a supervisor and you want to tell me you were not trained in the skills you need to be a supervisor. I know the people you worked under as a rodman, instrument operator, and data editor. I don't think it was that you weren't taught these skills, and I don't think you took it upon yourself to learn the skills that you were exposed to. In the event of this, now you are blaming every one else for your lack of skills. That to me, is not an excuse. If you want to continue being a supervisor you must improve your skill. There is a big gap between where you are now and where you need to be between now and the end of your probation. If you don't improve as much as need to your probation could be extended or you could be released. I want you to understand this is a serious matter and one you need to work hard on. I will work with you as much as I can to help you improve your skills but in the end it's up to you to learn and show me you can be a supervisor.





## ALABAMA DEPARTMENT OF TRANSPORTATION

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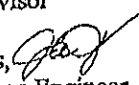
Bob Riley  
Governor

J.D. McInnes  
Transportation Director

August 4, 2005

### MEMORANDUM

To: Leroy Williams  
Field Supervisor

From: Joe E. Jones,   
Asst. Location Engineer, Field

Re: Drive Time from Montgomery Office to Lewis Crew Tuscaloosa Field Office

Purpose: Verify drive time related to Leroy Williams Written Reprimand

In my counseling session with you dated July 28, 2005, I discussed with you the written reprimand given you by Mr. Thomas Lewis, Party Chief. Mr. Lewis, your immediate supervisor had instigated the reprimand due to excessive tardiness. The fourth tardy involved you arriving late on a Monday morning after driving from Montgomery to Tuscaloosa. You stated that it took 2 hours and 25 minutes to make the drive which would make the reporting time 7:25 a.m. I directed Mr. Lewis to make this drive himself, under the same conditions you described (time and speed limit) and report back to me. If the drive proved to be more than the allotted 2 hours, I would instruct Mr. Lewis to rescind the reprimand. However, if the drive proved to be within the allotted 2 hours, the reprimand would stand. Below is the result of the drive made by Mr. Lewis:

On August 2, 2005, Tommy drove from the Montgomery office to his Tuscaloosa office. He left promptly at 5:00 a.m. and was consciously driving the posted speed limit on the different roads along the route. Tommy noted his trip as follows:

"I left Montgomery this morning at 5:00 a.m. stopped one time at the rest area for about 5 minutes and arrived here at the office in Tuscaloosa at 6:55 a.m. This was driving the speed limit all the way. I set the cruise at 55 mph when I got just north of Prattville and when I hit the 4 lane in Centerville I set it at 65 mph. The total distance is 106.5 miles from Office to Office. This is an average speed of 55.55 mph. In no way did I exceed the speed limit."

Based on this driving time test and his report, I am now advising Mr. Lewis to proceed with the written reprimand by submitting it as an official disciplinary action on tardiness. You have already been counseled by Mr. Lewis on this matter and advised of the charge. I have advised you, as noted in my counseling report, about the consequences of being tardy and went over the rules pertaining to the matter. I also advised you that this would affect your grade sheet because it would cause a seven point deduction in your upcoming grade on your Employee Performance Appraisal.

Cc: Mr. Don Arkle  
Mr. William Adams  
Mr. Thomas Lewis

DEFENDANT'S  
EXHIBIT

S





## ALABAMA DEPARTMENT OF TRANSPORTATION

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Bob Riley  
Governor

Joe McInnes  
Transportation Director

August, 11 2005

### MEMORANDUM

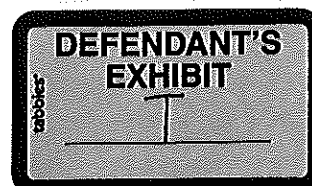
To: Leroy Williams  
Transportation Technician  
Field Supervisor

From: Thomas W. Lewis  
Transportation Technician  
Chief of Party

RE: Reprimand for Insubordination

Mr. Williams, on Thursday morning August 11<sup>th</sup> 2005, I was reviewing the work the crew had done in the field on Wednesday August 10<sup>th</sup> 2005. I was very concerned when I found so little progress had been made in the field that day. As you know, this project is a high priority job and its deadline is fast approaching. The completion of this project, on time, is a must and we must do what we can to prevent any unnecessary delays.

While in the process of reviewing the raw data file, I found that it was 9:19 a.m. before the first setup was made that morning. I also found that only three cross sections were taken from 9:19 a.m. to 11:15 a.m. (that is allowing 20 minutes to take the last 6 shots in the file.) The file shows that only 1 hour 45 minutes was spent collecting field data from 7:00 a.m. to 11:15 a.m. (that is allowing 20 minutes to take the last 6 shots in the file.) I decided to take a look at the area in question again to see if I could determine the cause of the delay. I was very concerned with what I found. The area in question had break lines that had not been shot and large areas that were not covered densely enough to correctly show the contours. This is when I came to you to discuss this matter. I called you aside to show you the break lines that



needed to be shot. I walked you around the ridge and showed you the toes that need to be shot. I explained that as an alternative of working off the centerline points, you could have set one remote to cover the majority of the area in question, saving valuable time.

I also talked to you about time management. I explained that if you stop at a store on the way out to the job site, you just took your morning break. I asked you about your lunch hour. You explained that your lunch hour began when you got to the truck and ended when you got back out of the truck. I then explained that this was not correct. Lunch started when you finished in the field. The walk out of the woods was part of your lunch hour. At this point you began to question my interpretation of the lunch hour. I explained that this was set down by the department, not me. You then began to become argumentative. You told me I was just being picky and I was just looking for something to harass you about. You then told me if I didn't have anything else to say you were going back to work. You turned and started to walk away. I told you not to walk away that I was not finished. You then told me "if you are going to talk to me I'm going to sit down and then you can talk." I started to explain that the progress made on Wednesday was unacceptable. Then you jumped up and started saying I was harassing you and not letting you do your job and you were going to have to talk to someone about it. You told me you were working hard and doing a good job. You also told me you could not work like this. You again started to walk away I told you "Leroy, if you walk away I am going to write you up for insubordination. Do you understand?" But you walked away with out me having the opportunity to explain why it was unacceptable.

It is very discouraging to see a supervisor on probation have so little respect for his supervisor, that he walk away when there is clear concern about the progress of the project. The loss of any time on this project is detrimental to the deadline being met. I have tried to impress the importance of time management and accuracy on this project. I have spent time with you trying to share my experience and knowledge with little results. I have explained rules that you question. I have spent time in the field with you trying to show you the most efficient way to produce highly accurate maps. But, the product you turn in on a daily basis consistently has errors, and is lacking in quantity.

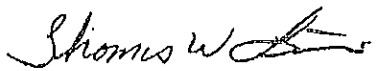
The only reason I can find for this is, mismanagement of your time, and inability to lead your people properly. This does not only affect you, but it reflects upon the entire crew. Your work performance does not reflect the

experience that you have indicated or the experience you suggest you have acquired while working with other crews in the Location Section.

Mr. Williams, it is with regret that it has come down to reprimanding you for insubordination, but you walking away from me or any other supervisor when there are such critical issues to confront and discuss is unacceptable and will not be tolerated. This being the second reprimand in the past month along with you still on probation is very disturbing. It shows a pattern of disregard for your job. As a supervisor, it is your job to set an example for your subordinates; this is not setting a good example. You have to realize this will not be allowed to continue.

In this situation I am at a loss at what punishment to suggest. The severity of your actions could have more than one form of punishment. You could receive this letter of reprimand; receive the letter of reprimand plus a suspension, demotion, or dismissal, on the first offence of insubordination.

At the least, this letter will go into your personnel records and an additional 7 points will be subtracted from your next performance appraisal. I would like to suggest at the least, a suspension be imposed, but I would like my supervisor to review this matter and ask him for a recommendation. Again, I regret having to reprimand any employee, but your actions as a supervisor, warrant strong disciplinary action.

  
Thomas W. Lewis  
Transportation Technician  
Chief of Party

Cc: William Adams  
Joe E. Jones  
Location file



## ALABAMA DEPARTMENT OF TRANSPORTATION

1409 Coliseum Boulevard, Montgomery, Alabama 36110  
P.O. Box 303050, Montgomery, Alabama 36130-3050

Telephone: 334-242-6311 FAX: 334-262-8041




Bob Riley  
Governor

J.D. McInnes  
Transportation Director

August 15, 2005

### MEMORANDUM

To: William F. Adams, Location Engineer

From: Joe E. Jones   
Asst. Location Engineer, Field

Re: Recommendation of Discipline

Leroy Williams, Transportation Technologist (Probationary Employee)  
Field Supervisor  
SECOND REPRIMAND by SUPERVISOR  
Charge: Insubordination

On August 11, 2005, Leroy Williams and Thomas Lewis met with me in my office to discuss the above referenced. I will refer to Mr. Williams as Leroy and Mr. Lewis as Tommy.

Tommy had called me from the field on the morning of August 11, 2005 to inform me that he was about to charge Leroy with insubordination. He briefly explained the situation to me. I then instructed him to bring Leroy with him and meet with me at 3:00 p.m.

Please see the attached written reprimand for details that led up to this disciplinary action. Generally, the insubordination charge was made because Leroy angrily walked off from Tommy during a meeting where Tommy was counseling/instructing Leroy on work matters. Tommy warned Leroy twice not to walk away and even warned him the second time that if he did, he would be charged with insubordination. Leroy walked away anyway.

During the meeting in my office, Leroy confirmed that he did walk away. However, Leroy said he did so only because Tommy was being demeaning and "talking down to him". Tommy denies this. I advised Leroy that a subordinate never terminates a meeting that a supervisor has called or disregards a directive unless it is unlawful or is dangerous. I also advised him that he should have finished listening to the supervisor, done what he asked, and then file a report/complaint as to the demeaning treatment that he said he received. I advised him that the reaction from him was unacceptable and shows a blatant disregard for the supervisor's authority to the point of insubordination.

At one point in our meeting, Leroy said that Tommy is "constantly" harassing him and "will not let him do his job". According to Tommy, he has never harassed Leroy but has indeed corrected him, trained him, and advised him of the rules and how they are to be followed. Tommy says that Leroy is defensive and has become more and more argumentative when he tries to instruct/train him. Tommy said that Leroy has threatened to "get a lawyer" during one of their sessions.

DEFENDANT'S  
EXHIBIT

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When I asked Leroy if he was accurate when he said, "Tommy constantly harasses and demeans me ALL the time", he said he was accurate. Leroy even said that ALL of the crew members had asked him, "...why does Tommy harass you like this ALL the time?" I asked Leroy was he sure that ALL members had asked him this and he said yes. I instructed Tommy to have a meeting with his crew as soon as possible and see if this accusation was accurate. Tommy said he would and would make a full report. On this date, Tommy had that meeting, with Leroy present, and has advised me that NONE of the personnel confirmed they had ever witnessed his harassing or demeaning Leroy. Please see the attached report on the meeting.

According to Tommy, Leroy is not handling the responsibilities of Field Supervisor well at all (see counseling session on July 28, 2005). This includes things like: he is not knowledgeable enough to handle the technical issues; not doing well at supervising his personnel; not managing time well; not following established rules concerning tardiness and lunch/break times; not retaining instructions/knowledge that Tommy is offering him. As a result, he reports that progress is being severely hampered. Tommy reports that the field operations are severely lacking in production and that even the minimal data being collected is often faulty because Leroy is not following procedures laid down by Tommy. In addition, field operations are lagging because Leroy is not managing time well at all.

For example, Tommy said that on August 11 one of the things (just prior to the insubordination) he was attempting to counsel Leroy on was his use of work time and making sure that the work effort was being maximized. Tommy said Leroy was defensive and said he was working hard. Tommy was trying to relate some times that were recorded in the Total Station that showed the work history on certain dates. Leroy stated that he didn't know what the clock on the instrument showed but that he was getting to work in the field in a timely manner. However, Tommy has presented documents (see attached) that show a history of the FIRST "setup" recorded in the instrument for several days. Those times are compared to another crew which is working out of the same office, doing similar work on the same project within a 1/4 mile of each other. The document shows that the other crew consistently had a recorded setup time of roughly an hour BEFORE Leroy's crew did each morning. The document seems to exhibit a pattern of Leroy NOT getting to the job site in a timely manner. Tommy advised me that Leroy doesn't agree with the exhibit. Tommy has assured me that he checked the clock on the instrument and it is accurate.

#### Summary:

Leroy is a probationary employee in the classification of Transportation Technologist and is performing that probationary period in the job title of Field Supervisor. He is roughly at the three-month point in the period. Leroy has several years experience in Location Surveying, including experience as a Data Editor within a crew. Because of this experience and the training/classes Leroy has taken advantage of, I expected him to be a much more effective Field Supervisor. This is not proving to be the case. Tommy is a Party Chief with many, many years of Location Surveying experience. I have confidence in his knowledge and skills in Location Surveying because he was a successful Field Supervisor for all those years. Based on those years of experience, Tommy is attempting to help Leroy develop good technical skills along with good procedures to maximize efforts in the field. In essence, here is a successful and experienced supervisor attempting to train, advise, and counsel a subordinate who is a probationary employee in training. At the same time, he is attempting to cause Leroy to focus more on the responsibility of setting a good example for HIS subordinates by following all rules and regulations.

Leroy was not expected to "be up and running" since he is in a probationary period. However, he was expected to perform well in the technical areas and expected to stay open to critique and instruction by the Party Chief in those areas where he is weakest. Once he receives this critique/instruction, I would expect him to note it and react to it by conforming and by following those instructions. It seems, though, that Leroy takes offence to Tommy's critique and to his tutoring. It is apparent that Leroy interprets this as harassment. It seems to me that Leroy should concentrate more on being more receptive to learning all he can from Tommy's vast experience as a Location Surveyor (including all aspects of the job), as a long time Field Supervisor, and now as a Party Chief. Being argumentative and defensive when his supervisor is trying to counsel and train him is counterproductive and uncalled for. For some reason, Leroy seems to think that Tommy is being harassing when, according to Tommy, he is only trying to help Leroy learn how



to do the job in an accurate and timely manner with minimal effort. This seems like a reasonable approach to me.

Leroy has broken the rules pertaining to tardiness for which he received a written reprimand. Now, he has received a written reprimand for insubordination; all within the first three months of his probationary period. It seems that Leroy is resisting all supervision by Tommy and is ignoring the rules in place for things such as those for tardiness and other rules. According to Tommy, Leroy even was argumentative about the lunch hour and how it is to be handled. All of this is unacceptable for ANY employee of any job title but is surely not acceptable from a supervisor who needs to be setting the example for his subordinates. All other personnel are held to the same standards of following rules and for being cooperative. I see no reason for Leroy to be the exception. The rules and regulations set forth by State Personnel, ALDOT, and the Location Section seem to be fair to me. I don't consider the rules unreasonable and see no reason any employee would have trouble following them.

It is now my conclusion that Leroy has not represented himself well in his job title of Field Supervisor. However, his performance is fairly secondary to his seemingly hostile attitude of assuming a supervisor is being harassing when they are giving instructions and directives. Usually, this type attitude might be expected from a new employee who is making an adjustment to our rules and regulations and to our work habits at the ALDOT. Leroy, however, has worked several years in our survey crews and should be well aware of our rules and regulations. To be argumentative and insubordinate to his supervisor is just not acceptable. This attitude along with his weak job performance is, according to Tommy, causing a serious lack of progress on a job that has a very important timeline to be met. The evidence attached concerning the "late morning" setups recorded in the instrument and then the unsatisfactory response to Tommy's instructions seem to bear Tommy's feelings out. The reprimands for tardiness and for insubordination seem to make a case that this employee is not meeting standards at this point.

Tommy says in his written reprimand that he is not sure how severe the punishment should be. However, he says that he would recommend at least a suspension. I concur in that a suspension should be the minimum disciplinary result. I would suggest, however, that serious consideration be given to other choices. Since Leroy is a probationary employee and is being judged on his job performance, on his abilities to follow directives, and on his sense of cooperation, his successes and failures are magnified even more. It is during this time that the Department is depending on supervisors to judge whether or not a probationary employee meets or does not meet standards. It is then the supervisor(s) who should make a judgment based on good information and evidence, and then present a recommendation that is beneficial and reasonable to the Department.

Thus, it is my recommendation that Leroy not be allowed to continue in the Transportation Technologist classification. The reports given to me by his supervisor, Tommy Lewis, show that he is proving less than desirable as a Field Supervisor for which he was hired. If Leroy is unwilling to react positively to discipline, training, corrective counseling, or warnings, then his tenure in this probationary period should be stopped now.





## ALABAMA DEPARTMENT OF TRANSPORTATION

1409 Coliseum Boulevard, Montgomery, Alabama 36110  
P.O. Box 303050, Montgomery, Alabama 36130-3050

Telephone: 334-242-6311 FAX: 334-262-8041



Bob Riley  
Governor

J.D. McInnes  
Transportation Director

August 19, 2005

### MEMORANDUM:

TO: Mr. Don T. Arkle  
Design Bureau Chief

FROM: William F. Adams  
Location Engineer

RE: Probationary Period of  
Leroy Williams

Mr. Williams was appointed to the classification of Transportation Technologist in the job title of Field Supervisor effective May 14, 2005. Mr. Williams was assigned to Mr. Tommy Lewis's crew. Since beginning with Mr. Lewis's crew, Mr. Williams has been reprimanded for excessive tardiness on July 26, 2005, and for insubordination on August 11, 2005, as shown in the attached documentation from Mr. Lewis and Mr. Joe Jones, Assistant Location Engineer.

Mr. Williams' lack of respect for the rules established by the Department, Bureau and Location Section and for his supervisor as shown by his actions is totally unacceptable. For these reasons, I am recommending that Mr. William's probation be ended at this time and that he be reassigned to his former classification of EA II/III in the Design Section.

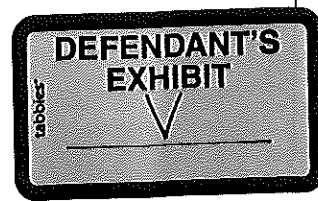
Let me know if you have any questions or need additional information regarding this recommendation. Please indicate your concurrence with this recommendation by signing in the space provided below.

Concur:

Don T. Arkle

Date: 8-19-05

Attachments





## ALABAMA DEPARTMENT OF TRANSPORTATION

1409 Coliseum Boulevard, Montgomery, Alabama 36110  
P.O. Box 303050, Montgomery, Alabama 36130-3050

Telephone: 334-242-6311 FAX: 334-262-8041



Bob Riley  
Governor

Joe McInnes  
Transportation Director

August 22, 2005

### MEMORANDUM

**TO:** Mr. Ron Green  
ALDOT Personnel Director

**FROM:** Don T. Arkle *DTA*  
Design Bureau Chief

**RE:** Probationary Employee  
Leroy Williams, Transp. Tech.  
423-80-8026



This is a request to terminate a probationary employee's appointment. Mr. Leroy Williams was appointed to the classification of Transportation Technologist on May 14, 2005. Since that time he has been reprimanded for excessive tardiness and insubordination. The attached documentation explains in great detail the events that led up to this request.

It would be appreciated if this action can be taken as quickly as possible and Mr. Williams returned to his previous Engineering Assistant II/III classification.

If you have questions or need additional information, please let me know.

DTA/cj

DEFENDANT'S  
EXHIBIT

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Bob Riley  
Governor

## ALABAMA DEPARTMENT OF TRANSPORTATION

1409 Coliseum Boulevard, Montgomery, Alabama 36110  
P.O. Box 303050, Montgomery, Alabama 36130-3050



Joe McInnes  
Transportation Director

September 1, 2005

Mr. Leroy Williams  
Alabama Department of Transportation  
Design Bureau  
1409 Coliseum Blvd.  
Montgomery, AL 36110

Re: Transportation Technologist Appointment

Dear Mr. Williams:

This is to inform you that your appointment in the Transportation Technologist classification that was effective May 14, 2005, has been terminated as of September 3, 2005. You will revert back to your Engineering Assistant II/III position in the Roadway Design Section of the Design Bureau and should report to Adenrele Odutola at 8 a.m. on Tuesday, September 6, 2005. Your salary will also be reduced to the rate you were making at the time of the appointment (\$966.20 plus the 6% cost of living increase).

This action is being taken because of your continual excessive tardiness and repeated insubordination. You were given numerous warnings and two written reprimands all with no noted improvement in your behavior.

As you know, any new appointment carries a six-month probationary period before it becomes permanent. At this time you are just over three months into that test period. For the above reasons it has been determined that you have not satisfactorily performed and/or responded to our efforts to correct your behavior. Therefore, this appointment should be terminated at this point.

We regret that this action is necessary, but trust that you will use it for the betterment of your career.

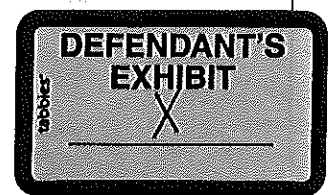
Sincerely,

A handwritten signature in black ink, appearing to read "Don T. Arkle".

Don T. Arkle  
Design Bureau Chief

DTA

cc: Mr. William Adams  
Mr. Joe Jones  
Mr. Ron Green  
State Personnel



EEOC FORM 131 (5/01)

## U. S. Equal Employment Opportunity Commission

Ron Green, Personnel Director  
ALABAMA DEPARTMENT OF TRANSPORTATION  
1409 Coliseum Blvd.  
Montgomery, AL 36110

PERSON FILING CHARGE

Leroy Williams

THIS PERSON (check one or both)

☒ Claims To Be Aggrieved☐ Is Filing on Behalf of Other(s)

EEOC CHARGE NO.

130-2005-06637

## NOTICE OF CHARGE OF DISCRIMINATION

(See the enclosed for additional information)

This is notice that a charge of employment discrimination has been filed against your organization under:

☒ Title VII of the Civil Rights Act☐ The Americans with Disabilities Act☐ The Age Discrimination in Employment Act☐ The Equal Pay Act

The boxes checked below apply to our handling of this charge:

1. ☐ No action is required by you at this time.2. ☐ Please call the EEOC Representative listed below concerning the further handling of this charge.3. ☒ Please provide by **13-OCT-05** a statement of your position on the issues covered by this charge, with copies of any supporting documentation to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.4. ☐ Please respond fully by \_\_\_\_\_ to the enclosed request for information and send your response to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.5. ☒ EEOC has a Mediation program that gives parties an opportunity to resolve the issues of a charge without extensive investigation or expenditure of resources. If you would like to participate, please say so on the enclosed form and respond by **29-SEP-05** to **Debra B. Leo, ADR Coordinator, at (205) 212-2033**. If you DO NOT wish to try Mediation, you must respond to any request(s) made above by the date(s) specified there.

For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information, or any inquiry you may have should be directed to:

Veneda K. Jordan,  
Enforcement Supervisor

EEOC Representative

Telephone: **(205) 212-2129**

Birmingham District Office  
Ridge Park Place  
1130 22nd Street, South  
Birmingham, AL 35205

Enclosure(s): ☒ Copy of Charge

## CIRCUMSTANCES OF ALLEGED DISCRIMINATION

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN ☐ AGE ☐ DISABILITY ☒ RETALIATION ☐ OTHER

See enclosed copy of charge of discrimination.

DEFENDANT'S  
EXHIBIT

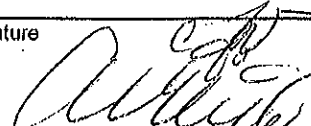
Date

Sep 14, 2005

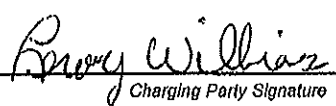
Name / Title of Authorized Official

Bernice Williams-Kimbrough,  
District Director

Signature



EEOC Form 5 (5/01)

<b>CHARGE OF DISCRIMINATION</b> <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC <b>130-2005-06637</b>	
and EEOC			
<i>State or local Agency, if any</i>			
Name (Indicate Mr., Ms., Mrs.) <b>Mr. Leroy Williams</b>		Home Phone No. (Ind. Area Code) <b>(334) 284-2005</b>	Date of Birth <b>04-21-1965</b>
Street Address City, State and ZIP Code <b>3723 Bridlewood Drive, Montgomery, AL 36111</b>			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name <b>ALABAMA DEPT OF TRANSPORTATION</b>		No. Employees, Members <b>500 or More</b>	Phone No. (Include Area Code) <b>(334) 242-6166</b>
Street Address City, State and ZIP Code <b>1409 Coliseum Blvd., Montgomery, AL 36110</b>			
Name		No. Employees, Members	Phone No. (Include Area Code)
Street Address City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest <b>05-14-2005 09-01-2005</b> <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>I was hired by the above-named employer in August 1993, as a general laborer. On May 14, 2005, I was promoted to a transportation technologist, as a six-month probationary employee. Upon being promoted I was not properly trained or given sufficient data and information as necessary to be successful in the job. I was constantly subjected to harassment and intimidation by my supervisor. I was demoted on September 1, 2005.</p> <p>Don Arkle, White, Design Bureau Chief, informed me that I was being demoted for excessive tardiness and repeated insubordination, which I deny.</p> <p>I believe that I was discriminated against because of my race, Black, and in retaliation for having filed a previous internal grievance based on race against my supervisor, which is in violation of Title VII of the Civil Rights Act of 1964, as amended. I further believe that had I been White, the issues of tardiness and insubordination would not have been a factor in being demoted.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY -- When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT  SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
Sep 09, 2005 Date		 Charging Party Signature	



## COMPLAINT FORM

**1.Name : Leroy Williams**

**2.Address : 3723 Bridlewood Drive, Montg, Al 36111**

**3.Job Title : Field Supervisor**

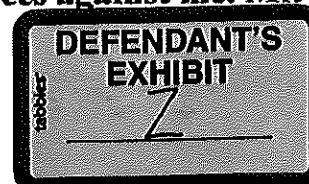
**4. Job Classification : Transportation Technologist**

**5. Bureau & Division : Design / Location**

**6. Name of Supervisor : Joe E. Jones / Thomas Lewis**

**7. Nature of Complaint : I was recently promoted to a Transportation Technologist / Field Supervisor , My immediate supervisor is Mr. Thomas Lewis. The position is new to me , but the work is basically the same, I ask questions when needed, haven't missed any days of work And always helping others in areas of weakness. Mr. Lewis is constantly Harassing and making derogative statement on areas of my work skills. I have asked Mr. Lewis on several occasions to assist me and his response is always the same " You should already know this " so I use others sources to get the job done without delaying work progress. Mr. Lewis also states that I show a pattern of tardiness , this is not true. We are to leave our Montgomery office at 5:00 a.m. on Monday mornings and arrive in Tuscaloosa at 7:00 a.m. .This is violating State guide lines of speeding. Doing the post speed Limits traveling the state route 82 the estimated travel time is approximately 2hrs ,58min. The latest I have arrived is 2hrs.,20min. So Am I being told to speed putting myself and others in danger, and higher supervisor Joe E. Jones approves , with Mr. Lewis time of arrival is 1hr.55min.**

**Mr. Lewis has a very demeaning attitude toward explaining directives so it's never clear to me what he expects or wants done on work relatives. He always leave something out, he mostly relates to a field personnel that has less experience. Mr. Lewis / Mr. Jones portray me as Floundering , Inept, argumentative and insubordinate but I am not, especially when there are two opposing forces against me. Mr. Lewis**



Leroy Williams v.  
ALDOT - Plaintiff's  
Initial Disclosures

0025



Leroy Williams  
3723 Bridlewood Dr.  
Montgomery, Alabama 36111

December 7, 2005

Ms. McGhee  
1130 22 Suite 2000  
Birmingham, Alabama 35205

Dear Sir or Madam:

In response to the reasons given by my superiors, Mr. Tommy Lewis, Mr. Joe Jones, Mr. Don Arkie, and William Adams, at no time was I given a fair hearing. I was constantly harassed while doing or attempting to do any of my work. As they know this was a new position and all new positions require training which I didn't receive. I feel there should have been some sort of training, whether hands on or classroom, instead, when I asked questions I was referred to as floundering and inept, argumentative and insubordinate.

It was stated that I was not able to assist one of the workers or that they could not come to me, but my question was why just one employee? Why not all of the workers? I asked one of my senior workers to assist this particular problem, since he was more experienced, to help me with work related problems since he was more familiar with the job. The problem was not disregarded, but handled by someone more familiar with the situation; therefore, it was a great help to me, since I also was learning a new job.

It was stated that I was not capable of following directions, Mr. Tommy Lewis, was never specific on what he wanted. In most cases, he would throw something at me and say do it, then complain that's not what he wanted. He never told me what he wanted, just to do it. If I asked a question about what he wanted, he would respond by saying, "You should already know this". That didn't answer my questions, only left me to guess to what specifically he wanted.

He did not help or answer my question nor did he appoint anyone else to assist me. That was a lack of his unwillingness to utilize his supervisory skills for my benefit. At no given time was I insubordinate to Mr. Lewis, but when I felt he was pressing. I attempted to go to the next supervisor in line; the doors were shut in my face.

In response to section A, paragraph B:

Tommy asked me to check in on the point and that is what I did as I was instructed. Then he said, "That's not what I meant". He said, "I meant to run a closure to find an error, from a remote point that was set." Then he wrote me up and said I didn't follow directions. That sounds more like he didn't give any directions.

Section A paragraph C

Upon leaving on the 31<sup>st</sup> of May, I was told to be at the job site at 7 a.m.; I was at the job site at 6:50a.m. I waited for an extended period of time before I contacted my supervisor to locate the crew. That was when Tommy said that he stated for us to meet in the hotel parking lot. He also stated that I was late and didn't follow instructions, when in fact, I did exactly what he said do. The job site was in Auburn which is where I was, but the hotel was in Opelika that was ten to fifteen miles out of the way from the job site. Every morning after that, we met like I was instructed previously, at the job site.

**Form 13P**

Revised (1/1/1998)

**EMPLOYEE PERFORMANCE APPRAISAL****STATE OF ALABAMA****Personnel Department****PREAPPRAISAL**Employee Name: Leroy Williams Social Security Number: 423-80-8026Agency: 012/Transportation Division: 0850/DesignClassification: Transportation Technologist Class Code: 20481Period Covered From: 05/16/05 To: 11/15/05 Probationary Period

**RESPONSIBILITIES/RESULTS:** Responsibilities and results on which an employee will be rated should be listed below. These areas should be discussed with the employee during the Preappraisal session at the beginning of each appraisal year. Please refer to the Performance Appraisal Manual for instruction on how to develop responsibilities and results.

**RESPONSIBILITIES/RESULTS**

Instruct employees so that project productivity standards are established and met with each project being completed without valid delay.

Assigns employees work so that all work is performed and productivity standards are met each day with each goal or project being completed without valid complaint or delay.

Operates personal computer so that information is transferred, compiled, and provided to designers with minimal errors and without valid delay.

Oversees the gathering of all field survey information so that all pertinent project data can be compiled and provided to designers with minimal errors and without valid delay.

Compiles information so that field maps, utility maps, profile maps, and requires pertinent project data are provided to designers with minimal errors and without valid delay.

Trains employees so they are afforded the opportunity to learn correct surveying methods, and are able to perform assigned tasks at a fully competent level with no valid complaints or delays.

Communicates orally with individuals so that instructions are received, information is properly exchanged, and problems are solved with no valid complaints.

Supervises and monitors employee work so that accurate performance appraisals are made and Discipline, if needed, is administered with no valid complaints from supervisors or employees.

**Work Habits:** Provide a check in the appropriate space when the policies and procedures concerning the following areas have been discussed with the employee. In particular, the attendance and punctuality policies should be provided to the employee in writing. For instructions, refer to the performance appraisal manual and policies of the agency.

CHECK IF DISCUSSED:     X     Attendance  
    X     Punctuality  
    X     Cooperation with Coworkers  
    X     Compliance with Rules

**PREAPPRAISAL SIGNATURES:** Date of Session: May 21, 2004  
Employee Signature: Leroy Williams  
Rater Signature: Shirley M. Banks  
Reviewer Signature: Joseph J. [unclear]

#### MIDAPPRAISAL

Describe the employee's performance strength(s) as observed during the first half of the appraisal period.  
LEROY DOES NOT HESITATE TO ASK QUESTIONS OR REQUEST ASSISTANCE. LEROY IS VERY COOPERATIVE WITH HIS CO-WORKERS.

Describe area(s) of the employee's performance that need improvement as observed during the first half of the appraisal period.

LEROY NEEDS MORE ON-THE-JOB TRAINING.

Document the action plan that has been discussed to improve the areas of weakness.

LEROY WILL WORK ON ASSIGNED TASKS, AND I WILL REVIEW THEM UPON COMPLETION. LEROY WILL PARTICIPATE IN AVAILABLE TRAINING.

A midappraisal has been held and performance has been discussed:

Date: Sept 28, 2004

Employee Signature: Leroy Williams Rater Signature: Shirley M. Banks

Form 13P  
Revised (1/1/1998)

**EMPLOYEE PERFORMANCE APPRAISAL**  
**STATE OF ALABAMA**  
**Personnel Department**

**PREAPPRAISAL**

Employee Name: LEROY WILLIAMS Social Security Number: 416-08-7706  
Agency: 012/TRANSPORTATION Division: 0850/DESIGN  
Classification: ENGINEERING ASSISTANT Class Code: 20116  
Period Covered From: 5-18-04 To 3-1-05

**RESPONSIBILITIES/RESULTS:** Responsibilities and results on which an employee will be rated should be listed below. These areas should be discussed with the employee during the Preappraisal session at the beginning of each appraisal year. Please refer to the Performance Appraisal Manual for instruction on how to develop responsibilities and results.

**RESPONSIBILITIES/RESULTS**

1. PRODUCES HIGHWAY PLAN SHEETS (ELECTRONIC AND CONVENTIONAL) SO THAT THEY ARE ACCURATE AND COMPLETE, ACCESSIBLE, AND ORDERLY.
2. DRAFTS ALIGNMENTS AND GEOMETRY THAT ARE ACCURATE, IN ACCORDANCE WITH ESTABLISHED DESIGN GUIDELINES AND CRITERIA, AND COMPLETED IN A TIMELY MANNER.
3. PROVIDES AND MAINTAINS SPECIAL PLAN SHEETS (BRIDGE SHEETS, UTILITY SHEETS, TRAFFIC CONTROL PLANS), PROJECT NOTES, AND PROJECT DETAILS SO THAT ALL DRAWINGS, NOTES AND DETAILS ARE INCLUDED IN A COMPLETE AND ORDERLY PLAN ASSEMBLY.
4. REVISES PLAN SHEETS USING REPORTS AND REVIEWS FROM ENGINEERS, SUPERVISORS, AND TEAM LEADER SO THAT CORRECTIONS AND REVISIONS ARE COMPLETED IN AN ACCURATE AND TIMELY MANNER.
5. REVISES QUANTITIES AND ESTIMATES USING REPORTS AND REVIEWS FROM ENGINEERS AND SUPERVISORS, SO THAT CORRECTIONS AND REVISIONS ARE COMPLETED IN AN ACCURATE AND TIMELY MANNER.
6. CALCULATES QUANTITIES, ENTER ESTIMATES AND DATA SO THAT PAY ITEMS AND INFORMATION ARE INCLUDED IN AN ACCURATE AND TIMELY MANNER.
7. READS GUIDELINES AND DESIGN CRITERIA SO THAT HIGHWAY GEOMETRY IS DONE IN ACCORDANCE WITH CURRENT GUIDELINE CRITERIA.
8. ATTENDS TRAINING FUNCTIONS, AND SECTION MEETINGS TO ATTEND, PARTICIPATE, LEARN, INFORM OTHERS, AND APPLY KNOWLEDGE AND INFORMATION TO THE TEAM LEADER.
9. PROVIDES PROJECT CORRESPONDENCES AND MAINTAIN PROJECT FILES (ELECTRONIC AND CONVENTIONAL MEDIA) SO THAT A CHRONOLOGICAL DOCUMENTATION OF PROJECTS CAN BE RETRIEVED IN A TIMELY MANNER.

**WORK HABITS:** Provide check in the appropriate space when the policies and procedures concerning the following areas have been discussed with the employee. In particular, the attendance and punctuality policies could be provided to the employee in writing. For instructions, refer to the performance appraisal manual and policies of the agency.

CHECK IF DISCUSSED:   X   Attendance  
  X   Punctuality  
  X   Cooperation with Coworkers  
  X   Compliance with Rules

**PREAPPRAISAL SIGNATURES:** Date of Session: 02-12-03

Employee Signature: Leroy Williams

Rater Signature: Gary A. Bearley

Reviewer Signature: Jamie M. Cant

#### MIDAPPRAISAL

Describe the employee's performance strength(s) as observed during the first half of the appraisal period.

Mr. Williams has years of experience and gathers data, as a rodman, quickly and accurately. He wastes very little energy getting unnecessary data. He helps me train new employees and is very capable operating our total station instrument. He can always be counted on to give a good days work.

Describe area(s) of the employee's performance that need improvement as observed during the first half of the appraisal period.

Mr. Williams has very few weaknesses. He could use some supervisory time over the crew. He could also use more time operating our electronic level.

Document the action plan that has been discussed to improve the areas of weakness.

I will allow Mr. Williams the opportunity to supervise some phases of our upcoming projects. He will also be given the chance to operate our electronic level in the next year.

Midappraisal has been held and performance has been discussed:

Date: 9-25-03

Employee Signature: Leroy Williams

Rater Signature: Gary A. Bearley

Form 13P  
Revised (1/1/1998)

**EMPL** **EE PERFORMANCE APPRA** **AL**  
**STATE OF ALABAMA**  
**Personnel Department**

**PREAPPRAISAL**

Employee Name: LEROY WILLIAMS Social Security Number: 423-80-8026  
Agency: 012/TRANSPORTATION Division: 0850/DESIGN  
Classification: ENGINEERING ASSISTANT Class Code: 20116  
Period Covered From: 03/01/2003 To: 03/01/2004

**RESPONSIBILITIES/RESULTS:** Responsibilities and results on which an employee will be rated should be listed below. These areas should be discussed with the employee during the Preappraisal session at the beginning of each appraisal year. Please refer to the Performance Appraisal Manual for instruction on how to develop responsibilities and results.

**RESPONSIBILITIES/RESULTS**

1. Gathers information as directed so that pertinent survey data is gathered with minimal errors and without valid delay.
2. Operates basic survey equipment as directed so that daily job assignments are completed in an efficient manner without valid complaint or delay.
3. Operates personal computer as directed so that information is properly transferred with no valid delays and minimal errors.
4. Clears survey lines as directed so that access and visibility to project sites are obtained without valid delay.
5. Directs traffic and places traffic control as directed to maintain a safe work site for the traveling public and fellow employees with no occurrences of avoidable accidents.
6. Maintains survey equipment so that materials are ready for use on a daily basis with no valid delays in productivity.
7. Places target and level rods as directed so that information is properly gathered with no valid delays to daily project productivity.
8. Participates in training as directed so that knowledge of survey methods is gained and productivity is maintained with no valid delays.
9. Train other lesser-experienced employees in the method of collecting data so that informaton is properly gathered without complaints or delay.
10. Complete total station notes accurately so that the data editor may enter closure notes efficiently and survey points are properly defined with minimal errors and without valid delays.



3. Continue to follow US-82 - go 28.8 mi
4. Turn **L** on VETERANS MEMORIAL PKWY - go < 0.1 mi
5. VETERANS MEMORIAL PKWY becomes 15TH ST - go 1.1 mi
6. Arrive at 630 15TH ST, TUSCALOOSA, on the **R**

When using any driving directions or map, it's a good idea to do a reality check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning.

#### Get New Driving Directions

<b>A</b> Enter starting address or select from My Locations	<b>B</b> Enter destination address or select from My Locations
My Locations Edit	My Locations Edit
-- My Locations --	-- My Locations --
Address	Address
Brent	630 15th St
City, State or Zip	City, State or Zip
Centreville, AL	Tuscaloosa, AL 35401-4737
Country	Country
United States	United States

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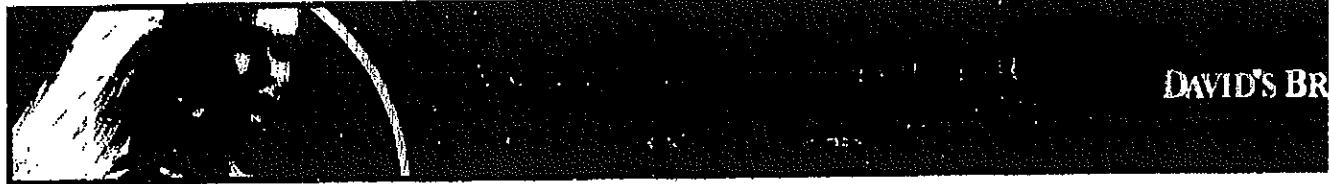
Leroy Williams v.  
ALDOT - Plaintiff's  
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Maps

Welcome, lamth732  
[Sign Out, My Account]



## Yahoo! Driving Directions

From brent  
to Tuscaloosa, AL,

Maps | Driving Directions | **MY YAHOO!**

Starting from: **Brent, Centreville, AL** Save Address

Arriving at: **630 15th St, Tuscaloosa, AL 35401-4737** Save Address

Distance: 31.9 miles Approximate Travel Time: 56 mins

[Get Reverse Directions](#)

New Send to Phone Text Only Printable Version Email Directions

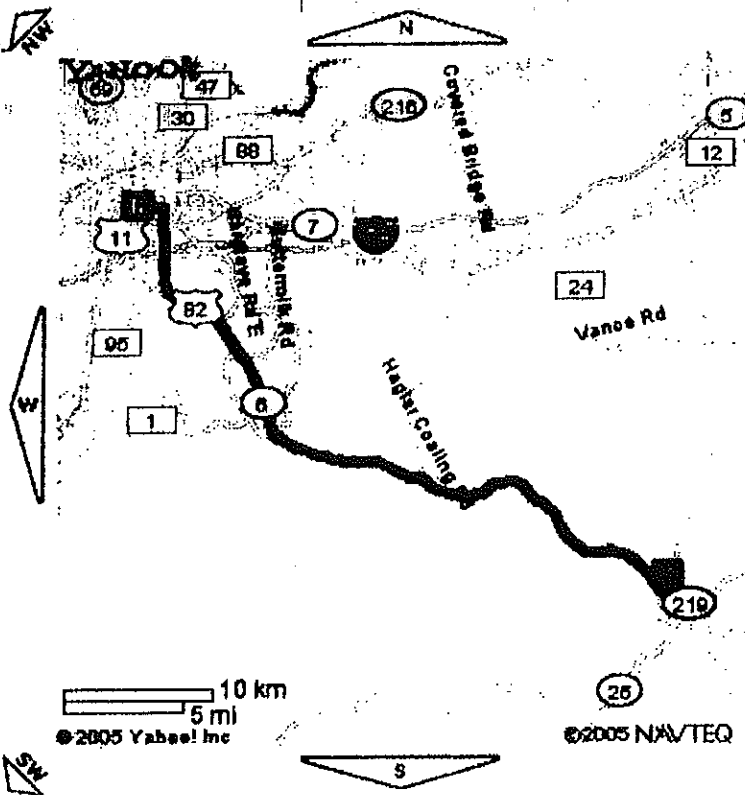
### Your Full Route

Zoom In -

1st.3city567state910

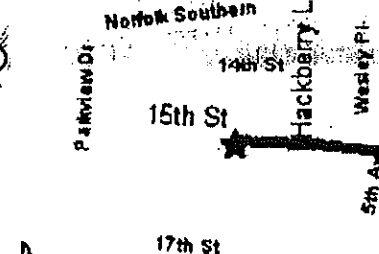
Zoom

Out



### Your Destination

View Larger Map



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**Traffic**  
Traffic info is not yet available for this area.

Find traffic for another area.  
**SmartView™**  
See locations on this map

- Restaurants
- Hotels
- ATMs
- Gas Stations
- More

What's this?

Zoom in & Re-Center Re-Center only

### Directions

1. Start at BRENT BYP[AL-5], CENTREVILLE - go 0.6 mi
2. Take ramp onto NEW HWY 82[US-82] - go 1.3 mi

[Show Turn by Turn Maps](#)

Leroy Williams v.  
ALDOT - Plaintiff's  
Initial Disclosures

0029

2.	Turn <b>L</b> on NORTH BLVD - go 4.2 mi
3.	Take ramp onto I-65 NORTH toward BIRMINGHAM - go 77.0 mi
4.	Take exit #250 onto I-459 SOUTH toward TUSCALOOSA - go 15.5 mi
5.	Take the I-59 SOUTH <b>L</b> exit toward TUSCALOOSA - go 33.2 mi
6.	Take exit #73/US-82 onto MCFARLAND BLVD E[US-82] - go 2.0 mi
7.	Turn <b>L</b> on 15TH ST - go 1.1 mi
8.	Arrive at 630 15TH ST, TUSCALOOSA, on the <b>R</b>

### Yahoo! Travel Deals

**Car Rentals** - Search for a car rental in Tuscaloosa  
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#### Disclaimer

\*Some taxes and fees additional. Learn more.

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### Get New Driving Directions

<b>A</b> Enter starting address or select from My Locations	<b>B</b> Enter destination address or select from My Locations
My Locations Edit	My Locations Edit
-- My Locations --	-- My Locations --
Address	Address
1409 Coliseum Blvd	630 15th St
City, State or Zip	City, State or Zip
Montgomery, AL 36110-208	Tuscaloosa, AL 35401-4737
Country	Country
United States	United States

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the Web

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[Sign Out, My Account]

**lingo**  
The talk of broadband



Click here for unlimited local  
long distance, U.S., Canada and  
Western Europe for only \$19.95 a mo

## Yahoo! Driving Directions

Maps | Driving Directions

**MY YAHOO!**

Starting from: **1409 Coliseum Blvd, Montgomery, AL 36110-2060** Save Address

Arriving at: **630 15th St, Tuscaloosa, AL 35401-4737** Save Address

Distance: 133.8 miles Approximate Travel Time: 2 hours 24 mins

[Get Reverse Directions](#)

**i** We assumed that you meant 1409 Coliseum Blvd, instead of 1409 cloiseum blvd..

New [Send to Phone](#) [Text Only](#) [Printable Version](#) [Email Directions](#)

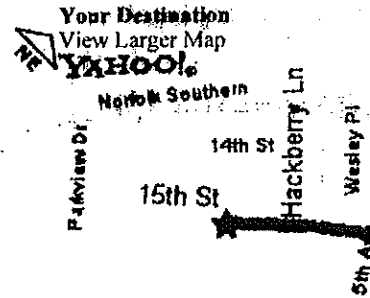
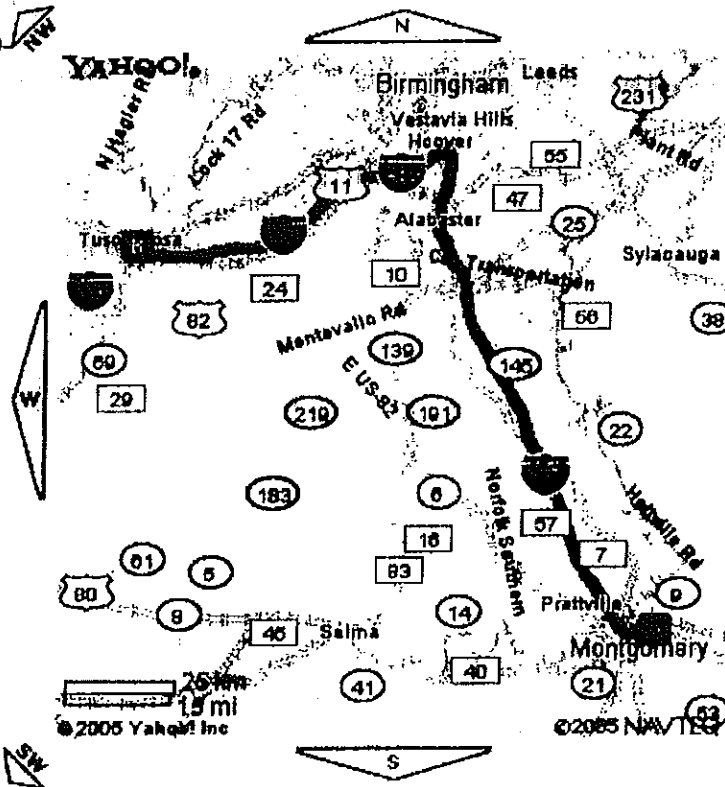
**Your Full Route**

Zoom In -

1st.3city567state910

Zoom

Out



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Traffic  
Traffic info is not yet  
available for this area.

Find traffic for another area.  
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**i** We assumed that you meant 1409 Coliseum Blvd, instead of 1409 cloiseum blvd..

**Directions**

[Show Turn by Turn Maps](#)

1. Start at 1409 COLISEUM BLVD, MONTGOMERY - go 0.8 mi

Leroy Williams v.  
ALDOT - Plaintiff's  
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0027

Has a way of making every situation whether it is good or bad a scenario. Mr. Lewis does this on a regular basis regardless to whomever is around in the office or in the field. He has made comments in such that I'm to take myself out of a crew member and make the difference as a supervisor, in which I find this hard to do when he continues to chastise me in the presence of co-workers. Mr. Lewis has also made comments about me getting a promotion with a raise, where he received only a promotion, why should that matter to him, if I get a Raise or not, that is why I find this to be unethical for him to question My finances. I am very cooperative person in all situations but when I'm being backed in a corner I will speak up for myself.

**8. I am submitting at least eight witnesses: +**

William Dodd Austin

Rodney Sanders

Chan Grantham

Robbie Jones

Michael Crowe

Gary Beasley

Robert Byrd

Steve Hagler

Brandon Ward

Lawrence Brown

Willie Garette

Willie Primus

Stacy Nichols

Scott Blake

Ph. #

242-6798

To ALL

**9. Resolution:** I'm just simply asking for a fair chance to prove my Capabilities and knowledge with a basis personnel who will be fair. I have yet to get my six month evaluation, but I have received a two month evaluation and a reprimand with the threat of another. These Types of matters should prompt an immediate investigation. I propose that I be regarded correctly, receive my forthcoming promotions and To receive training that has been denied to me as a field supervisor. I Come to work to support my family and to perform my duties to the Best of my ability, not for friendship nor to be shown favoritism. I only asked to be given the same opportunities as everyone else.

Please See Attachments...

Sincerely,

Leroy Williams

• Page 2

December 7, 2005

Section A paragraph H:

Tommy said he had to show me how to add and subtract angles. If I asked for a revision to be sure of my work, being new in that position, was I wrong for asking for help?

Paragraph G

As far as my questions, I never had terra model training class and if some things in the menu had changed since my return to location. So I basically needed a briefing to refresh what I have learned and what has been added since my return.

Monday, June 20<sup>th</sup>

One of my write ups were related to being tardy. I called Tommy and told him I was not feeling well and would be out that day. He told me I should come in since I was the supervisor. I told him I would come on anyway. He then wrote me up and said I was tardy, and that is unfair. Are all employees treated in this manner? Have they received a write up for calling in?

On August 10, I was instructed to take Mr. Tommy Lewis's vehicle for service, by the Talladega District Office. Swapping material from vehicle to vehicle took more time out from our work day. All this was done around 8:30am, then we proceeded to the field about thirty minute drive along the way, we stopped to get a drink and biscuit at the Quick Mart Store. We arrived to the field at about 9 a.m. We unloaded the material needed and preceded to the job site which was about a 15 minutes walk into our site and began to work. I reviewed what was needed got, which was the distances for at least 3 set ups. We accomplished as much as possible before it started to rain at about 11a.m. In case of rain we stop until the rain stops, it rained the remainder of the day and we spent the rest of the day training on computer skills in the office, which I explained to Tommy Lewis. In return I got a reprimand for insubordination. He began raising his voice, and stood up over me yelling. After seeing there was nothing I could say I walked away. I called the next superior in line to tell them about the situation, which I received a negative response.

Instead of helping, they responded by saying, "What the hell you call me for?" So what was I to do when I feel threaten by my superior. I was not there to fight a battle, nor win a war. I was there to learn my job, and perform my task to the best of my ability. I was never given a fair chance, not even given a fair amount of time to improve or learn the job. Being harassed daily is pressure when someone of good performance, no one should have to work under those conditions. I was told by several other employees that this was prearranged for me to fail, and I was in a no win situation, which those people asked to remain anonymous and I will respect there wishes. My desire is to allow the truth to be established that I am a good employee. Realizing that this may have happened previously, and the conscience thought that it may happen again is unfair to any aspiring employee.

Sincerely,

*Leroy Williams*

Leroy Williams  
Engineering Assistant II/III



**State of Alabama**  
**Personnel Department**  
 64 North Union Street  
 P.O. Box 304100  
 Montgomery, Alabama 36130-4100  
 (334) 242-3389  
 www.personnel.state.al.us

Announcement Date: May 28, 2003  
 Revised Date: February 28, 2007

**Announcement of Continuous Merit System Examination**  
**Transportation Technologist - 20481**

**ANALYSIS AND PLANNING - 439**  
**Annual Rate: \$30,888.00 - \$52,915.20**

**Department:** Transportation  
**Location:** Statewide

**TYPE OF EXAMINATION**

An open-competitive register will be established. All applicants who apply for the Transportation Technologist - Analysis and Planning Option job will be required to assemble for an examination. The total exam time is approximately 7 ½ hours, however, candidates will be at the exam site for a longer period of time. The Transportation Technologist - Analysis and Planning Option examination consists of four different components: 1) Plan Reading Exercise, 2) Technical Reading and Writing Exercise, 3) Role-Play Exercise, and 4) Scheduling Exercise. The Plan Reading Exercise requires the candidate to review a set of instructions and roadway plan sheets and then respond to questions about the plan. The Technical Reading and Writing Exercise requires the candidate to review instructions, a technical manual, and data related to the manual in order to prepare a written response to an inquiry. The Role-Play Exercise requires the candidate to meet with an individual during a video-taped session in order to discuss a problem situation. The Scheduling Exercise requires the candidate to serve in the role of a Transportation Technologist in the Analysis & Planning option and complete a work schedule, assigning employees to specific projects and tasks.

All applicants will receive a How-To-Prepare Booklet approximately three weeks prior to the examination. Scores from the assembled examination (plus Veterans Preference Points) will count as 100% of an applicant's final score.

**QUALIFICATIONS NEEDED TO APPLY**

High School Diploma/GED and 5 years of civil engineering experience in the Analysis and Planning area performing one or more of the following duties: reading/interpreting plans or maps; checking/editing plans or maps; computing raw field data; analyzing safety, accident, or traffic data or reports; researching historical data, trends, or deeds; inspecting bridges, roadways, or right-of-way for maintenance or repairs; project inspection; or related duties.

OR

High School Diploma/GED and 6 years of civil engineering experience, 3 years of which must be in the Analysis and Planning area performing one or more of the following duties: reading/interpreting plans or maps; checking/editing plans or maps; computing raw field data; analyzing safety, accident, or traffic data or reports; researching historical data, trends, or deeds; inspecting bridges, roadways, or right-of-way for maintenance or repairs; project inspection; or related duties.

OR

High School Diploma/GED and 6 years of experience as an Engineering Assistant at ALDOT in any work area.

OR

Bachelor's degree\* in Civil Engineering, Civil Engineering Technology, or Geomatics.

**KIND OF WORK**

Employees in the Analysis and Planning Option of this classification begin performing paraprofessional technical work in the various areas of civil engineering such as traffic, multimodal, bridge inspection, or surveying. Job duties might include supervising an assigned phase of Transportation Planning activities, serving as Assistant to the Chief Bridge Inspector in a division, serving as a statewide Field Supervisor or Division Survey Party Chief, serving as a District Permit Engineer, or conducting various other analyses or planning activities. Employees might supervise lower level assistants in the completion of duties. A superior reviews work while in progress and at its conclusion.

**HOW TO APPLY**

Use an Application for Examination form. You can get the form at this office or at an Alabama Employment Service office. It can also be downloaded from our web site. You must send your application to the State Personnel Department. This announcement will remain open until further notice. The State Personnel Department is not responsible for late receipt of applications due to the mail service or fax malfunctions. Photocopied applications are accepted. Facsimile applications are also accepted. Our fax number is 334-242-1110. The register will be updated as new administrations of the examination are completed.

Individuals currently on the register **DO NOT** need to reapply to remain eligible for employment.

**DEFENDANT'S  
EXHIBIT**

AA

**THE STATE OF ALABAMA IS AN EQUAL OPPORTUNITY EMPLOYER**

**\*Please refer to the State Personnel Department web site for complete information on our policy on accepting post-secondary and advanced degrees.**

Except for pretest information provided by State Personnel to all applicants, you should not directly or indirectly obtain information about examinations. If you do, the State Personnel Director may do several things. One, you may not be given an examination. Two, you may be disqualified after an examination. Three, your name may be removed from a register. Or four, your name may not be certified from the register. (Rules of the State Personnel Board, Chapter 670-x-9). According to the Code of Alabama, 36-26-47, a willful violation of exam security is a misdemeanor. Any person who is convicted of this type of misdemeanor will not get a state job. If they are officers or employees of the state, they will be required to forfeit their office or position for five years.

If you know of anyone who has violated this policy, you should contact the Examination Manager at the State Personnel Department.

Report ID: HDTRN020

Alabama Department of Transportation  
Employee Training HistoryPage No. 1  
Run Date 03/06/2007  
Run Time 11:00:54Emplid: 000073 Name: Austin, William D  
Race: Sex: Male  
Job Code: 20482 Job Description: Transportation Technlgst, Sr

Course	Course Title	Session Number	Begin	End	Attendance	Pass/Fail	Duration
000104	Algebra	1	01/11/1990	05/09/1990	Completed		52.0
90208	Radiological Safety Course	1	05/22/1990	05/23/1990	Completed		14.0
91128	Construction Inspectors Trng Course Series	1	01/01/1991	01/31/1991	Completed		6.0
000104	Algebra	1	01/07/1991	04/05/1991	Completed		48.0
91121	Bitum Concrete Paving/surface Treatment/seal Coats1	1	01/25/1991	01/25/1991	Completed		5.0
91165	Employee Trng/preventing Sexual Harassment	1	03/01/1991	04/30/1991	Completed		3.0
93357	Employee Trng/preventing Sexual Harassment	1	07/13/1993	07/29/1993	Completed		2.0
95309	Prevention Of Racial Slurs And Harassment	3	07/01/1995	07/31/1995	Completed		2.0
000100	Aldot Classification Structure Review	1	05/06/1996	05/10/1996	Completed		1.0
98053	Windows Nt Workstation 4.0 Orientation	2	02/02/1998	02/23/1998	Completed		7.0
98068	Microsoft Word 7.0 (introduction)	2	02/09/1998	02/10/1998	Completed		14.0
000357	Celebrating Diversity In The Workplace	8	05/05/1998	05/28/1998	Completed		6.0
98053	Windows NT Workstation 4.0 Management Overview for03	1	05/26/1998	05/26/1998	Completed		6.0
98285	1997 Performance Appraisal System Video	1	06/17/1998	06/30/1998	Completed		2.0
000505	Geometry	1	10/01/1998	12/19/1998	Completed	Pass	45.0
00065	Prevention Of Sexual Harassment	3	12/02/1999	12/16/1999	Completed		6.0
990307	Prev. of Violence In Workplace	0002	01/04/2002	01/04/2002	No Show		7.0
990307	Prev. of Violence In Workplace	0006	02/04/2002	02/04/2002	Completed		6.0
990375	Career Path Training	0048	04/15/2002	04/15/2002	Declined Offer		3.5
990375	Career Path Training	0094	08/28/2003	08/28/2003	Declined Offer		4.0
990699	NGS Trng-FBN/CBN & CORPS/OPUS	0004	06/17/2004	06/17/2004	Completed		4.0
990778	GPS Derived Heights	0002	09/22/2004	09/22/2004	Completed		8.0
990307	Prev. of Violence In Workplace	0069	10/27/2005	10/27/2005	Completed		7.0
990787	Racial Harassment	0037	12/02/2005	12/02/2005	Cancelled Excused		6.0
990237	First Aid & CPR Training	0094	04/10/2006	04/10/2006	Completed		6.0
990786	Racial Harss Prevention Supv	0029	10/26/2006	10/26/2006	Cancelled Excused		6.0
990698	Essential MicroStation (CADD)	0031	02/12/2007	02/16/2007	Cancelled Excused		32.0

DEFENDANT'S  
EXHIBIT  
BB

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Alabama Department of Transportation  
Employee Training History

Emplid: 048418 Name: Nichols, Stacey C  
 Race: Sex: Male  
 Job Code: 20481 Job Description: Transportation Technologist

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 Run Date 03/06/2007  
 Run Time 11:03:16

Course	Course Title	Session Number	Begin	End	Attendance	Pass/Fail	Duration
92225	Contract Plan Reading	1	02/14/1992	07/08/1992	Completed		48.0
93357	Employee Trng/preventing Sexual Harassment	1	07/13/1993	07/29/1993	Completed		2.0
95309	Prevention Of Racial Slurs And Harassment	4	08/01/1995	08/31/1995	Completed		2.0
000100	Aldot Classification Structure Review	1	05/06/1996	05/10/1996	Completed		1.0
98053	Windows Nt Workstation 4.0 Orientation	2	02/02/1998	02/23/1998	Completed		7.0
98068	Microsoft Word 7.0 (introduction)	2	02/09/1998	02/10/1998	Completed		14.0
000357	Celebrating Diversity In The Workplace	8	05/05/1998	05/28/1998	Completed		6.0
98053	Windows NT Workstation 4.0 Management Overview for03		05/26/1998	05/26/1998	Completed		6.0
98285	1997 Performance Appraisal System Video	1	06/17/1998	06/30/1998	Completed		2.0
00065	Prevention Of Sexual Harassment	3	12/02/1999	12/16/1999	Completed		6.0
00322	Career Path And Sup. Mgmt. Orient./update Program 1		06/28/2000	06/28/2000	Completed		3.0
990307	Prev. of Violence In Workplace	0006	02/04/2002	02/04/2002	Completed		7.0
990375	Career Path Training	0047	04/09/2002	04/09/2002	Declined Offer		3.5
000649	Interpersonal Communication Sk	0001	08/13/2002	08/13/2002	Completed		6.0
000357	Diversity In The Workplace	0001	08/27/2002	08/27/2002	Completed		6.0
000538	Grammar & Word Usage For Busin	0002	09/05/2002	09/05/2002	Completed		6.0
990375	Career Path Training	0094	08/28/2003	08/28/2003	Declined Offer		4.0
000382	Effective Supervision	0005	10/16/2003	10/16/2003	Completed		6.0
990713	NGS Trng-FBN/CBN & CORPS/OPUS		06/14/2004	06/14/2004	Completed		4.0
990375	Career Path Training	0157	09/15/2004	09/15/2004	Declined Offer		3.5
001210	Supervisory Skills: The Ultima	0008	07/26/2005	07/26/2005	Cancelled Excused		6.0
000049	Advanced Surveying	0006	08/08/2005	08/12/2005	Cancelled Excused		40.0
001224	Technical Report Writing	0010	08/25/2005	08/25/2005	Cancelled Excused		6.0
990564	SOI/ Interview and Selection	0037	09/13/2005	09/13/2005	Cancelled Excused		7.0
001004	Performance Appr for Supv	0016	09/14/2005	09/15/2005	Cancelled Excused		12.0
001024	Positive Discipline-Supervisor	0009	09/16/2005	09/16/2005	Cancelled Excused		6.0
000589	How To Handle Difficult People	0023	09/21/2005	09/21/2005	Cancelled Excused		4.0
001151	Situational Leadership	0021	09/22/2005	09/22/2005	Cancelled Excused		4.0
990787	Racial Harassment				Course Waitlist		8.0

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Alabama Department of Transportation  
Employee Training HistoryPage No. 2  
Run Date 03/06/2007  
Run Time 11:15:32Emplid: 036470 Name: Kirkland,William K  
Race: Sex: Male  
Job Code: 20482 Job Description: Transportation Technlgst,Sr

<u>Course</u>	<u>Course Title</u>	<u>Session Number</u>	<u>Begin</u>	<u>End</u>	<u>Attendance</u>	<u>Pass/Fail</u>	<u>Duration</u>
990452	InRoads Reporting w/XML	0002	05/23/2005	05/27/2005	Completed		24.0
990787	Racial Harassment	0017	06/22/2005	06/22/2005	Completed		6.0
990929	Micro. V8 Update & InRoads Bas	0001	07/11/2005	07/15/2005	Completed		32.0
991138	Using Bentley ProjectWise	0002	09/26/2006	09/27/2006	Completed		8.0

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Alabama Department of Transportation  
Employee Training History

Emplid: 036470 Name: Kirkland, William K  
 Race: Sex: Male  
 Job Code: 20482 Job Description: Transportation Technlgst, Sr

Page No. 1  
 Run Date 03/06/2007  
 Run Time 11:15:32

Course	Course Title	Session Number	Begin	End	Attendance	Pass/Fail	Duration
001284	Trigonometry	1	01/05/1987	04/30/1987	Completed		52.0
91165	Employee Trng/preventing Sexual Harassment	1	03/01/1991	04/30/1991	Completed		3.0
92080	25th Annual Surveying And Mapping Conference	1	11/06/1991	11/08/1991	Completed		9.0
93075	26th Annual Surveying And Mapping Conf/opt Wksp	1	10/28/1992	10/30/1992	Completed		9.0
990380	Advanced Terramodel Training	1	04/19/1993	04/21/1993	Completed		20.0
93334	Supervisory Survival Skills I	2	06/30/1993	06/30/1993	Completed		7.0
93116	Performance Appraisal I: Orientation	4	08/24/1993	08/24/1993	Completed		8.0
94093	27th Annual Surveying & Mapping Conference	1	11/03/1993	11/05/1993	Completed		19.0
94074	Performance Appraisal I: Orientation	1	12/01/1993	12/01/1993	Completed		7.0
94167	Managing The Marginal/problem Employee	1	02/11/1994	02/11/1994	Completed		7.0
94376	Terramodel Advanced Training	1	09/20/1994	09/29/1994	Completed		24.0
95074	28th Annual Surveying & Mapping Conf.	1	10/26/1994	10/28/1994	Completed		18.0
95139	Grammar & Writing For Government Supervisors	1	12/14/1994	12/14/1994	Completed		7.0
95114	Windows 3.1	3	01/12/1995	01/13/1995	Completed		14.0
95252	Defensive Driving/driver Improvement/safety Course2	2	05/01/1995	05/31/1995	Completed		3.0
95309	Prevention Of Racial Slurs And Harassment	4	08/01/1995	08/31/1995	Completed		2.0
990264	Annual Surveying And Mapping Conference	1	10/25/1995	10/27/1995	Completed		18.0
96071	Hp-48 Gx "basics"	1	11/07/1995	11/13/1995	Completed		6.0
96067	First Aid And Cpr Training	6	04/01/1996	04/30/1996	Completed		8.0
000100	Aldot Classification Structure Review	1	05/06/1996	05/10/1996	Completed		1.0
990264	Annual Surveying And Mapping Conference	1	10/23/1996	10/25/1996	Completed		20.0
97174	Class Ii Basic Gov't & Aldot	1	02/06/1997	02/26/1997	Completed		6.0
97072	Employment Law For State Supervisors	2	02/25/1997	02/26/1997	Completed		6.0
97204	Class V Decision Making/problem Solving	1	03/01/1997	03/31/1997	Completed		7.0
97175	Class Iii Communications/writing & Grammar Skills	2	03/01/1997	03/31/1997	Completed		4.0
97245	Class Iv Leadership/conflict	1	05/01/1997	05/31/1997	Completed		6.0
97246	Class Vi - Planning Vs Organizing	2	06/01/1997	06/30/1997	Completed		6.0
98046	Surveying & Mapping Conference (31st Annual)	1	10/29/1997	10/31/1997	Completed		15.0
98035	New Performance Appraisal Training	3	12/02/1997	12/03/1997	Completed		6.0
98285	1997 Performance Appraisal System Video	1	06/17/1998	06/30/1998	Completed		2.0
000049	Advanced Surveying	2	01/11/1999	03/29/1999	Completed	Pass	51.0
99311	Nhi#13065 - Introduction To Highway Hydraulics	01	05/18/1999	05/21/1999	Completed		28.0
99406	Fundamental Skills Program	1	07/16/1999	09/30/1999	Completed		12.0
00106	Geodesy For Engineers And Surveyors	1	11/17/1999	11/18/1999	Completed		6.0
00065	Prevention Of Sexual Harassment	3	12/02/1999	12/16/1999	Completed		8.0
00322	Career Path And Sup. Mgmt. Orient./update Program	1	06/28/2000	06/28/2000	Completed		3.0
01112	Surveying & Mapping Conference	1	10/18/2000	10/20/2000	Completed		24.0
990158	Ethics Training	0011	06/28/2001	06/28/2001	Completed		1.5
990283	Hydrologic Course 101	0001	10/01/2001	10/02/2001	Completed		15.0
990307	Prev. of Violence In Workplace	0006	02/04/2002	02/04/2002	Completed		7.0
990375	Career Path Training	0003	04/05/2002	04/05/2002	Declined Offer		3.5
990375	Career Path Training	0094	08/28/2003	08/28/2003	Declined Offer		4.0
990699	NGS Trng-FBN/CBN & CORPS/OPUS	0002	06/15/2004	06/15/2004	Completed		4.0
990375	Career Path Training	0157	09/15/2004	09/15/2004	Declined Offer		3.5
990778	GPS Derived Heights	0001	09/20/2004	09/20/2004	Completed		8.0
990698	MicroStation V8 Essentials	0006	02/07/2005	02/11/2005	Completed		40.0
000504	Geometric/Roadway Design	0006	02/27/2005	03/03/2006	Completed		0.0
990823	ArcGis Intro & ArcView & ArcIn	0002	04/11/2005	04/12/2005	Completed		8.0
990911	InRoads Advanced Backbone Road	0001	05/16/2005	05/18/2005	Completed		24.0



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Alabama Department of Transportation  
Employee Training HistoryPage No. 1  
Run Date 03/06/2007  
Run Time 11:04:33Emplid: 026887 Name: Harris, Robert A  
Race: Sex: Male  
Job Code: 20481 Job Description: Transportation Technologist

Course	Course Title	Session Number	Begin	End	Attendance	Pass/Fail	Duration
000505	Geometry	1	01/10/1990	05/07/1990	Completed		60.0
001284	Trigonometry	1	01/07/1991	04/11/1991	Completed		48.0
91165	Employee Trng/preventing Sexual Harassment	1	03/01/1991	04/30/1991	Completed		3.0
92225	Contract Plan Reading	1	02/14/1992	07/08/1992	Completed		34.0
990380	Advanced Terramodel Training	1	04/19/1993	04/21/1993	Completed		20.0
94376	Terramodel Advanced Training	1	09/20/1994	09/29/1994	Completed		24.0
95114	Windows 3.1	3	01/12/1995	01/13/1995	Completed		14.0
95309	Prevention Of Racial Slurs And Harassment	4	08/01/1995	08/31/1995	Completed		2.0
96071	Hp-48 Gx "basics"	1	11/07/1995	11/13/1995	Completed		6.0
000100	Aldot Classification Structure Review	1	05/06/1996	05/10/1996	Completed		1.0
98053	Windows Nt Workstation 4.0 Orientation	2	02/02/1998	02/23/1998	Completed		7.0
98068	Microsoft Word 7.0 (introduction)	2	02/09/1998	02/10/1998	Completed		14.0
000357	Celebrating Diversity In The Workplace	8	05/05/1998	05/28/1998	Completed		6.0
98053	Windows NT Workstation 4.0 Management Overview for03		05/26/1998	05/26/1998	Completed		6.0
000049	Advanced Surveying	2	01/11/1999	03/29/1999	Completed	Pass	60.0
00065	Prevention Of Sexual Harassment	3	12/02/1999	12/16/1999	Completed		8.0
00322	Career Path And Sup. Mgmt. Orient./update Program 1		06/28/2000	06/28/2000	Completed		3.0
990307	Prev. of Violence In Workplace	0006	02/04/2002	02/04/2002	Completed		7.0
990375	Career Path Training	0005	04/08/2002	04/08/2002	Declined Offer		3.5
000649	Interpersonal Communication Sk	0001	08/13/2002	08/13/2002	Completed		6.0
000357	Diversity In The Workplace	0001	08/27/2002	08/27/2002	Completed		6.0
000538	Grammar & Word Usage For Busin	0002	09/05/2002	09/05/2002	Completed		6.0
000707	Orientation -Maint/Inspect		05/19/2003	05/19/2003	Completed		1.0
990352	Critic Insp Tech Steel Bridges	0003	06/10/2003	06/13/2003	Completed		28.0
001109	Routine Safety Meeting		09/09/2003	09/09/2003	Completed		1.0
000003	CFR Compliance Trn for Drivers	0008	09/11/2003	09/11/2003	Completed		2.0
000201	Bridge Insp Refresher Training	0012	10/21/2003	10/22/2003	Completed		12.0
990237	First Aid & CPR Training	0083	01/14/2004	01/14/2004	Completed		7.0
990248	Stream Stability & Scour @ Hwy	0002	03/30/2004	03/30/2004	Completed		8.0
990300	Bridge Refresher Training	0008	11/03/2004	11/04/2004	Completed		16.0
990817	ABIMS Scanned Image Training	0002	11/30/2004	11/30/2004	Completed		8.0
990375	Career Path Training	0181	12/10/2004	12/10/2004	No Show		3.5
990698	MicroStation Essentials (CADD)	0023	06/13/2005	06/17/2005	Completed		32.0
990787	Racial Harassment	0017	06/22/2005	06/22/2005	Completed		6.0
991044	GPS Sub Process for Height Mod	0001	02/27/2006	03/01/2006	Completed		24.0
991182	Ala Height Modernization Forum	0001	03/06/2007	03/06/2007	Enrolled		8.0
000382	Effective Supervision				Course Waitlist		0.0
000201	Bridge Insp Refresher Training				Course Waitlist		0.0

Report ID: HDTRN020

Alabama Department of Transportation  
Employee Training History

Emplid: 075279 Name: Grantham, Channin K  
 Race: Sex: Male  
 Job Code: 20481 Job Description: Transportation Technologist

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 Run Date 03/06/2007  
 Run Time 11:13:04

<u>Course</u>	<u>Course Title</u>	<u>Session Number</u>	<u>Begin</u>	<u>End</u>	<u>Attendance</u>	<u>Pass/Fail</u>	<u>Duration</u>
000152	Automated Drafting w Microst J	0011	05/03/2004	05/07/2004	Completed		32.0
990682	MicroStation V8 Updated	0002	06/28/2004	06/29/2004	Cancelled	Excused	7.0
990686	InRoads Upgrade 8.2 to 8.5	0002	06/29/2004	07/02/2004	Cancelled	Excused	21.0
990682	MicroStation V8 Updated	0003	07/12/2004	07/13/2004	Completed		7.0
990686	InRoads Upgrade 8.2 to 8.5	0003	07/13/2004	07/16/2004	Completed		21.0
990201	PC Literacy	0041	04/14/2006	04/14/2006	Cancelled	Excused	6.0
990787	Racial Harassment				Course Waitlist		8.0
000102	Aldot Manual Course				Course Waitlist		0.0
990460	Basic Contract Plan Reading				Course Waitlist		0.0
000168	Basic Mathematics				Course Waitlist		0.0

Report ID: HDTRN020

Alabama Department of Transportation  
Employee Training History

Emplid: 002805 Name: Blake, Scott J  
 Race: Sex: Male  
 Job Code: 20481 Job Description: Transportation Technologist

Page No. 1  
 Run Date 03/06/2007  
 Run Time 11:07:08

<u>Course</u>	<u>Course Title</u>	<u>Session Number</u>	<u>Begin</u>	<u>End</u>	<u>Attendance</u>	<u>Pass/Fail</u>	<u>Duration</u>
000505	Geometry	2	01/12/1999	03/16/1999	Completed	Pass	49.0
001284	Trigonometry	1	10/01/1999	12/20/1999	Completed		10.0
00065	Prevention Of Sexual Harassment	3	12/02/1999	12/16/1999	Completed		6.0
990307	Prev. of Violence In Workplace	0006	02/04/2002	02/04/2002	Completed		7.0
990375	Career Path Training	0048	04/15/2002	04/15/2002	Completed		3.5
000294	Contract Plan Reading	0003	10/05/2004	11/16/2004	Completed		48.0
990815	Applied Aerial Mapping & Remot	0001	12/09/2004	12/09/2004	Completed		8.0
990307	Prev. of Violence In Workplace	0069	10/27/2005	10/27/2005	Completed		7.0
000706	New Employee Orientation		08/30/2006	08/30/2006	Completed		3.0
000171	Basic Surveying	0023	12/11/2006	12/15/2006	Cancelled	Excused	30.0
000650	Interview & Selection	0028	01/05/2007	01/05/2007	Completed		7.5
000171	Basic Surveying	0024	02/12/2007	02/16/2007	Completed	Pass	30.0
991180	Temporary Traffic Control	0004	03/06/2007	03/06/2007	Completed		7.0
000049	Advanced Surveying	0010	04/24/2007	04/27/2007	Enrolled		32.0

Report ID: HDTRN020

Alabama Department of Transportation  
Employee Training HistoryPage No. 1  
Run Date 03/06/2007  
Run Time 11:14:09Emplid: 041941 Name: McKinnon Jr, William  
Race: Sex: Male  
Job Code: 20481 Job Description: Transportation Technologist

<u>Course</u>	<u>Course Title</u>	<u>Session Number</u>	<u>Begin</u>	<u>End</u>	<u>Attendance</u>	<u>Pass/Fail</u>	<u>Duration</u>
00065	Prevention Of Sexual Harassment	3	12/02/1999	12/16/1999	Completed		6.0
000168	Basic Math	3	03/20/2000	03/29/2000	Completed	Pass	50.0
00922	Algebra Phase II	0001	09/11/2000	09/15/2000	Completed	Pass	25.0
990307	Prev. of Violence In Workplace	0006	02/04/2002	02/04/2002	Completed		7.0
990375	Career Path Training	0048	04/15/2002	04/15/2002	Completed		3.5
990375	Career Path Training	0094	08/28/2003	08/28/2003	Declined Offer		4.0
990699	NGS Trng-FBN/CBN & CORPS/OFUS	0002	06/15/2004	06/15/2004	Completed		4.0
990237	First Aid & CPR Training	0094	04/10/2006	04/10/2006	Completed		6.0
990786	Racial Harss Prevention Supv	0029	10/26/2006	10/26/2006	Completed		6.0
990787	Racial Harassment				Course Waitlist		8.0

Report ID: HDTRN020

Alabama Department of Transportation  
Employee Training History

Emplid: 048405 Name: Nichols, Troy L  
 Race: Sex: Male  
 Job Code: 20482 Job Description: Transportation Technlgt, Sr

Page No. 1  
 Run Date 03/06/2007  
 Run Time 11:03:48

Course	Course Title	Session Number	Begin	End	Attendance	Pass/Fail	Duration
91110	First Aid/cardiopulmonary Resuscitation (cpr)	1	01/01/1991	01/31/1991	Completed		8.0
93205	Contract Plan Reading	1	01/12/1993	04/19/1993	Completed		42.0
93357	Employee Trng/preventing Sexual Harassment	1	07/13/1993	07/29/1993	Completed		2.0
95309	Prevention Of Racial Slurs And Harassment	4	08/01/1995	08/31/1995	Completed		2.0
000100	Aldot Classification Structure Review	1	05/06/1996	05/10/1996	Completed		1.0
98053	Windows Nt Workstation 4.0 Orientation	2	02/02/1998	02/23/1998	Completed		7.0
98068	Microsoft Word 7.0 (introduction)	2	02/09/1998	02/10/1998	Completed		14.0
000049	Advanced Surveying	1	03/02/1998	06/04/1998	Completed	Pass	48.0
000357	Celebrating Diversity In The Workplace	8	05/05/1998	05/28/1998	Completed		6.0
98053	Windows NT Workstation 4.0 Management Overview for03		05/26/1998	05/26/1998	Completed		6.0
98285	1997 Performance Appraisal System Video	1	06/17/1998	06/30/1998	Completed		2.0
00065	Prevention Of Sexual Harassment	3	12/02/1999	12/16/1999	Completed		6.0
990307	Prev. of Violence In Workplace	0006	02/04/2002	02/04/2002	Completed		7.0
990375	Career Path Training	0050	04/15/2002	04/15/2002	Completed		3.5
990375	Career Path Training	0094	08/28/2003	08/28/2003	Declined Offer		4.0
990237	First Aid & CPR Training	0071	09/12/2003	09/12/2003	Cancelled Excused		7.0
990699	NGS Trng-FBN/CBN & CORPS/OPUS	0004	06/17/2004	06/17/2004	Completed		4.0
990375	Career Path Training	0157	09/15/2004	09/15/2004	Declined Offer		3.5
990778	GPS Derived Heights	0003	09/23/2004	09/23/2004	Completed		8.0
001004	Performance Appr for Supv	0022	09/14/2005	09/15/2005	Cancelled Excused		12.0
001024	Positive Discipline-Supervisor	0011	09/16/2005	09/16/2005	Cancelled Excused		6.0
000589	How To Handle Difficult People	0024	09/21/2005	09/21/2005	Cancelled Excused		4.0
990237	First Aid & CPR Training	0094	04/10/2006	04/10/2006	Completed		6.0
990786	Racial Harss Prevention Supv	0029	10/26/2006	10/26/2006	Completed		6.0
990787	Racial Harassment				Course Waitlist		8.0

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>LEROY WILLIAMS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
<b>v.</b>	)	
	)	
<b>STATE OF ALABAMA DEPARTMENT OF TRANSPORTATION, JOE MCINNES, etc.,</b>	)	<b>CASE NO. 2:06-cv-658-ID</b>
	)	
<b>Defendants.</b>	)	

**DEFENDANTS' EVIDENTIARY SUBMISSION IN SUPPORT OF  
MOTION FOR SUMMARY JUDGMENT**

COME NOW Defendants, the State of Alabama Department of Transportation and Joe McInnes, by and through their undersigned counsel, and submit the following evidentiary materials in support of their Motion for Summary Judgment and Memorandum Brief, filed contemporaneously herewith:

**Excerpts from the Deposition of Leroy Williams**

**Affidavit of Don Arkle**

**Affidavit of William Adams**

**Affidavit of Joe Jones**

**Affidavit of Thomas Lewis**

**Affidavit of Ron Green**

**EXHIBITS**

- A. Form 11-Seasonal Laborer dated 10/8/92
- B. Application for Examination-Highway Maintenance Technician I
- C. Certificate of Eligibles
- D. Application for Examination-Highway Maintenance Technician II



- E. Form 4-Provisional Appointment-Engineering Assistant I
- F. Employee Performance Appraisal dated 2/14/97
- G. Employee Performance Appraisal dated 2/13/98
- H. Position Classification Questionnaire dated 11/26/01
- I. Complaint Form dated April 1997
- J. Employee Performance Appraisal dated 2/19/02
- K. Complaint Form dated 10/5/00
- L. Letter dated 1/23/03 withdrawing Grievance No.736
- M. Attendance/Punctuality Guidelines dated 2/22/05
- N. Letter dated 5/12/05-appointment to Transportation Technologist.
- O. Leroy Williams resume
- P. Position Classification Questionnaire dated 5/25/05
- Q. Reprimand for Repeated Tardiness dated 7/26/05
- R. Counseling Session Memorandum dated 7/28/05
- S. Driving Time confirmation Memorandum dated 8/4/05
- T. Reprimand for Insubordination dated 8/11/05
- U. Recommendation for Discipline dated 8/15/05
- V. Memorandum to Don T. Arkle dated 8/19/05
- W. Memorandum to Ron Green dated 8/22/05
- X. Letter to Williams dated 9/1/50 termination probation
- Y. E.E.O.C. Charge of Discrimination
- Z. Complaint Form
- AA. State Personnel Announcement-Transportation Technologist
- BB. Computer printouts of Training for employees

RESPECTFULLY SUBMITTED  
TROY KING  
ATTORNEY GENERAL

s/ Andrew W. Redd  
Jim R. Ippolito, Jr. (IPP001)  
Assistant Attorney General  
Chief Counsel

Andrew W. Redd (RED001)  
R. Mitchell Alton, III (ALT003)  
Assistant Attorneys General  
Assistant Counsel

**ADDRESS OF COUNSEL:**

State of Alabama Department of Transportation  
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**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>LEROY WILLIAMS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
<b>v.</b>	)	
	)	
<b>STATE OF ALABAMA DEPARTMENT</b>	)	<b>CASE NO. 2:06-cv-658-ID</b>
<b>OF TRANSPORTATION, JOE MCINNES,</b>	)	
<i>etc.,</i>	)	
	)	
<b>Defendants.</b>	)	

**CERTIFICATE OF SERVICE**

I hereby certify that, on **March 26, 2007**, I electronically filed the foregoing with the Clerk of the Court using the CM/ECT system, which will send notification to the following:

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